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REGISTER

RULES
OF GOVERNMENTAL
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ILLINOIS REGISTER

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CAPITAL DEVELOPMENT BOARD

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Prequalification of Architects and Engineers

2) Code Citation: 44 Ill. Adm. Code 980

<u>Section Numbers:</u>	<u>Proposed Action:</u>
980.120	Amendment
980.130	Amendment
980.160	Amendment
980.180	Amendment
980.190	Amendment
980.200	Amendment
980.210	Repeal
980.300	Amendment
980.320	Amendment
980.460	Repeal

4) Statutory Authority: Implementing the Capital Development Board Act [20 ILCS 3105] and authorized by Section 1A-11 of that Act.

5) A Complete Description of the Subjects and Issues Involved: Changes the period of prequalification from one year to two years. Revises the definition of "A/E" to reflect current licensing/registration requirements of the Department of Professional Regulation. Clarifies the difference between profile codes and trade codes. Deletes the requirement for submittal of evidence of insurability. Repeals provisions pertaining to ineligibility and termination of contracts. Clarifies provisions on effect of misrepresentations in applications of prequalification.

6) Will this proposed amendment replace an emergency rule current in effect?
No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed amendment contain incorporation by reference? No

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: This amendment does not create or expand a state mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)].

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: From the date that this notice first appears in the *Illinois Register*, for a period of 45 days thereafter, interested persons may submit comments, in writing, to:

Fredrick W. Hahn, Chief Counsel
Capital Development Board

CAPITAL DEVELOPMENT BOARD

NOTICE OF PROPOSED AMENDMENTS

3rd Floor Wm. G. Stratton Bldg.
Springfield, Illinois 62706
217/782-0700

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporation affected: This rulemaking may impact small architecture, engineering, or land surveying firms.

B) Reporting, bookkeeping or other procedures required for compliance:
None

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on the 2 most recent regulatory agendas because: the rulemaking was not anticipated at that time.

The full text of the proposed amendment begins on the next page:

CAPITAL DEVELOPMENT BOARD

NOTICE OF PROPOSED AMENDMENTS

TITLE 44: GOVERNMENT CONTRACTS, PROCUREMENT AND PROPERTY MANAGEMENT
 SUBTITLE B: SUPPLEMENTAL PROCUREMENT
 CHAPTER XII: CAPITAL DEVELOPMENT BOARD

PART 980

PREQUALIFICATION OF ARCHITECTS AND ENGINEERS

SUBPART A: RESPONSIBILITY

Section	Purpose
980.110	Definitions
980.120	Prequalification Required
980.130	Special Projects
980.140	Confidentiality
980.150	Sources for Determining Responsibility
980.160	Department of Professional Regulation Action
980.170	Prequalification of Firms and Office Locations
980.180	Trade Codes and Types of Profile Codes
980.190	Processing of Architect-Engineer Prequalification Application
980.200	Ineligibility (Repealed)
980.210	

SUBPART B: SUSPENSION, DEBARMENT, MODIFICATION OF
 PREQUALIFICATION, AND CONDITIONAL PREQUALIFICATION

Section	Actions Affecting Responsibility and Prequalification
980.300	Causes for Suspension, Debarment, Modification of Prequalification, and Conditional Prequalification
980.310	Nullification of Prequalification
980.320	

SUBPART C: APPLICATION OF CDB ACTION

Section	General
980.400	Violation of CDB Order
980.410	Denial of Award of Contract
980.420	Debarment
980.430	Reapplication for Prequalification
980.440	Extension of CDB Action
980.450	Effect on Current Contracts (Repealed)
980.460	Basis of Decisions
980.470	Settlement
980.480	

SUBPART D: PROCEDURES

Section

CAPITAL DEVELOPMENT BOARD

NOTICE OF PROPOSED AMENDMENTS

980.500	Review
980.510	Notice of CDB Action
980.520	Executive Director
980.530	Hearings
980.540	Burden of Proof

AUTHORITY: Implementing the Capital Development Board Act [20 ILCS 3105] and authorized by Section 1A-11 of that Act.

SOURCE: Adopted at 2 Ill. Reg. 30, p. 140, effective July 27, 1978; amended at 4 Ill. Reg. 9, p. 233, effective February 14, 1980; amended at 5 Ill. Reg. 1890, effective February 17, 1981; amended and codified at 8 Ill. Reg. 20317, effective October 1, 1984; amended at 9 Ill. Reg. 17329, effective October 29, 1985; amended at 12 Ill. Reg. 20446, effective November 29, 1988; Part repealed, new Part adopted at 22 Ill. Reg. 1154, effective January 1, 1998; amended at 22 Ill. Reg. 20026, effective November 9, 1998; amended at 24 Ill. Reg. _____, effective _____.

SUBPART A: RESPONSIBILITY

Section 980.120 Definitions

The following definitions shall apply to this Part:

"A/E" means an individual or firm in the business of providing architectural, engineering or land surveying services as authorized by the State of Illinois Department of Professional Regulation (DPR). Licensed individuals shall be registered with DPR as sole proprietors. Firms and corporations shall be registered with DPR. Architectural or engineering firm that is in the business of offering the practice or furnishing of architectural or engineering services for building projects, which is registered with the Department of Professional Regulation and is licensed to practice architecture or structural engineering or professional engineering in the State of Illinois, or which is properly authorized under the Professional Service Corporation Act and by the Department of Professional Regulation to practice architecture, structural engineering or professional engineering in the State of Illinois, for purposes of this Part, this includes licensed individuals transacting business as sole proprietors, which are not required to be registered with the Department of Professional Regulation.

"CDB" means the Capital Development Board, the agency.

"Consultant" means a firm or individual who will perform a portion of the contract or assist the A/E in its performance of the contract under a contract with the A/E.

CAPITAL DEVELOPMENT BOARD

NOTICE OF PROPOSED AMENDMENTS

"Contract or Contract Requirements" consist of any and all provisions of the CDB Professional Services Agreement (PSA).

"Office Location" means all locations at which the A/E provides professional services under the license granted by the Department of Professional Regulation and that are under the responsibility of the managing agent for that license.

"Parent Office" means the primary location of the A/E's place of business.

"Key Person" means any individual who holds 5% or more ownership interest in the firm. In the event the firm is owned by another corporation, partnership, trust or business association, any individual within that organization who holds a 5% or more ownership interest is considered a "key person". Regardless of ownership interest, any officer, partner, managing agent or director is considered a "key person". This definition also includes any individual who assumes the responsibility of an officer, owner, partner, director, etc., regardless of ownership interest.

"Performance Record" consists of, but is not limited to, the following:

Evidence of material compliance with all CDB contract requirements.

Data indicating the A/E has met all contract requirements on previous contracts, private and public.

"Prequalification" is the status granted by CDB to responsible A/E's that permits them to make submittals on CDB projects or be awarded a CDB contract.

"Profile Codes" means branches of knowledge or expertise of architectural or engineering practice that may be provided by firms and that are listed on CDB's A/E prequalification application.

"Responsibility" is a determination made by CDB that the A/E is a responsible A/E. The determination may be made at any time. Because responsibility is affected by such things as financial resources, performance records, and organizational and operational factors, all of which are subject to change, the initial determination of responsibility, made through evaluation of an application to CDB, may be changed upon receipt of additional or different information. The A/E is required to inform CDB of any significant change to the information submitted in its application. Each A/E must provide CDB with adequate documentation of responsibility. CDB will ordinarily

CAPITAL DEVELOPMENT BOARD

NOTICE OF PROPOSED AMENDMENTS

provide forms for this information. CDB may supplement this information from other sources and may require additional documentation at any time. A responsibility determination may also be verified on an ongoing basis through other information, including performance evaluations and reference contacts.

"Responsible A/E" is a firm that:

Has adequate financial resources to perform the contract, or the ability to obtain them. This includes, but is not limited to, the ability to obtain required insurance from insurance companies acceptable to CDB.

Is able to comply with the contract requirements, considering the firm's other business obligations.

Has a satisfactory performance record.

Has a satisfactory record of integrity and business ethics.

Has the necessary organization, experience, accounting and operational controls, and technical skills.

Is otherwise qualified and eligible to receive a contract award under applicable laws and regulations.

"Trade Codes" means the professional practice in which the individual is licensed, or the firm is registered, by DPR to practice and, for general engineering licenses, any area of specialty within that practice.

"Types-of-Profile-Codes" means branches of knowledge or expertise of architectural or engineering practice that may be provided by firms and that are listed on CDB's A/E prequalification application.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 980.130 Prequalification Required

CDB shall prequalify A/E's as required by the Architectural Engineering and Land Surveying Qualifications Based Selection (QBS) Act [30 ILCS 535]. Firms must be prequalified prior to any submittal of qualifications or interest for a specific project and prior to entering a contractual relationship with CDB. All individuals and firms seeking to provide any services regulated by the Department of Professional Regulation on a CDB project shall be prequalified. Firms must also be prequalified for any selection for a project and associated contract exempt from the QBS Act. All architects, engineers and

CAPITAL DEVELOPMENT BOARD

NOTICE OF PROPOSED AMENDMENTS

~~their--architectural--engineering--or--land--surveying--consultants--shall--be~~
~~prequalified--with--CDB.~~ Prequalification shall be based upon a determination of
 responsibility from, but not limited to, the information supplied on a properly
 completed CDB prequalification application.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 980.160 Sources for Determining Responsibility

To determine an A/E's responsibility, CDB may utilize information obtained from one or more of the following sources. In evaluating the information, greater consideration shall be given to the A/E's most recent projects and projects with CDB.

- a) A/E prequalification application form.
 - 1) A/E applications shall require at a minimum:
 - A) Completed application form;
 - B) The disclosure of the name of each key person associated with the firm, and their respective percentage of ownership;
 - C) Work experience ~~and--resumes~~ relevant to the type of practice and profile codes requested, ~~including--resumes--of--all--key personnel;~~
 - D) Copies of the individual licenses for sole ownership firms transacting business under the individual's real name and applicable professional design firm registration with the Department of Professional Regulation for all firms;
 - E) Certification of compliance with statutory requirements;
 - F) ~~Evidence--of--insurability--with--an--insurance--company acceptable--to--EBB;~~
 - FG) Work history reference checks. References provided may be verified and documented by the following methods:
 - i) Telephone reference checks; or
 - ii) Reference questionnaire; and

GH) CDB work history, if CDB projects have been awarded.

- 2) Application updates

The A/E shall have an affirmative duty to update significant information within 10 days after occurrence. Significant changes, of which CDB shall be notified, include, but are not limited to:

 - A) Change of entity corporate structure, including sole owners, partnerships, and federal employee identification number;
 - B) Change of name;
 - C) Change of address;
 - D) Change or loss of personnel in areas that may affect the types of professional practice or profile codes that may have been granted;
 - E) Minority/Female owned firm status;
 - F) Change or initiation of hearing in licensure or registration

CAPITAL DEVELOPMENT BOARD

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status with the Department of Professional Regulation;
 G) Loss of Secretary of State "good standing" status;
 H) Filing of bankruptcy;
 I) Filing of formal criminal charges against the firm or its officers, owners or employees;
 J) Suspension or debarment by another governmental agency; and
 K) Contract terminations.

- b) Satisfactory CDB work history

CDB may review documentation of the A/E's current and past work and performance history, including adherence to CDB's rules, resolutions, and procedures. Such documentation includes, but is not limited to, performance evaluations prepared by CDB, user agencies, or contractors.
- c) Other governmental entities

CDB may conduct history reference checks by contacting Federal, State or local governmental entities.
- d) Other sources

In order to determine responsibility, CDB may conduct reference checks from any other source, which may include, but is not limited to:

 - 1) Financial institutions;
 - 2) Periodicals;
 - 3) Newspapers;
 - 4) Court records; and
 - 5) Any type of public record.
- e) Previous employment history

For any newly organized firm or a firm with a limited work history, CDB may conduct individual performance reference checks on any or all personnel.
- f) Additional information

CDB may request additional information from the A/E at any time.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 980.180 Prequalification of Firms and Office Locations

- a) Only legal entities permitted by law to practice architecture, or engineering, or land surveying shall be prequalified, including any office location at which the firm provides architectural or engineering services.
- b) The A/E shall list all office locations that the prequalification shall include and indicate any assumed name for each office location if different from the parent office. These office locations may be business subsidiaries, divisions, branches, etc. that provide professional services under the responsibility of the managing agent for the A/E.
- c) Prequalification shall not be extended to another business location or entity of the A/E solely because of an ownership relationship.

CAPITAL DEVELOPMENT BOARD

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(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 980.190 Trade Codes and Types-of Profile Codes

- a) The A/E shall indicate on the application form specific trade codes and types-of profile codes within the A/E's their type of practice(s) in which the A/E has specific areas of knowledge, expertise, or experience on-the-application-form. The applicant may indicate only those trade profile codes consistent with the applicant's their licensed areas of practice.
- b) This information may be used by CDB in the selection of firms for projects exempt--from-the-GBS-Act. It does not relieve the firm from providing the same or additional information in the statement of qualifications submitted for a specific project. CDB may request additional information during the prequalification process to verify that the firm possesses the required knowledge, expertise or experience to be considered for work in any profile code. CDB may deny prequalification in a particular profile code during the prequalification process if the firm fails to demonstrate its knowledge, expertise or experience to CDB's satisfaction.
- c) Demonstration of knowledge, expertise, or experience in a profile code may be required to be supported by licenses or certification issued by governmental agencies such as the Department of Public Health, Illinois Historic Preservation Agency, etc.
- d) CDB's decisions regarding the types of profile codes granted to an A/E shall not be subject to hearing procedures (Section 980.530). However, upon request of a firm, a conference to discuss the issue shall be held.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 980.200 Processing of Architect-Engineer Prequalification Application

- a) A/Es must complete a prequalification application.
- b) Processing-of-applications-by-GBB-may-require-up-to-45-days--after receipt-of-all-requested-information-and-a-completed-application:
- be) Applications for renewal will ordinarily be sent to the A/Es 60 days before the expiration of current prequalification. A/Es who do not receive an application are responsible for contacting CDB prior to expiration to request an application. Unless otherwise specified in writing by CDB, the term of prequalification shall be two years from the end of the month the prequalification begins one--year. When prequalification is granted, the A/E will be notified in writing of the expiration date, which-will-also-be-entered-on-GBB's--electronic program. CDB may grant a shorter term of prequalification by agreement with the A/E, when a determination is made that a shorter

CAPITAL DEVELOPMENT BOARD

NOTICE OF PROPOSED AMENDMENTS

period is justified, or when a special prequalification is developed specifically for a certain project. GBB-may-in-its-discretion-grant a--longer--period-of-prequalification-when-deemed-appropriate-in-light of-recent-and-relevant-satisfactory-project-performance---Updated--or new-A/E--information-including--the-term-of-prequalification-will-be entered-on-GBB's--electronic-program-weekly---the--electronic-program will-be-capable-of-among-other-things--sorting-A/Es-by-profile-code to-produce-lists-of-A/Es-in-various-profile-codes---At--the--beginning of--each-month--a-list-of--A/Es--whose-prequalification-expires-in approximately-60-days-will-be-generated:

- cd) Applications may be sent to CDB by facsimile, provided that the original application is received by CDB within five business days.
- de) CDB shall review and evaluate each application received, which may include one or more of the following actions:
 - 1) Reviewing to determine whether the application is filled out in accordance with the instructions provided;
 - 2) Contacting work references or any other possible sources of pertinent information;
 - 3) Requesting additional information from the applicant;
 - 4) Reviewing CDB A/E performance evaluations; and
 - 5) Meeting with the applicant at the request of CDB or the applicant.
- e) CDB shall deny prequalification status to any firm that has not affirmatively demonstrated its responsibility. CDB's determination of responsibility on an application for prequalification shall be final. An individual or firm may not submit a new or revised application for prequalification within 180 days after any denial of an application.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 980.210 Ineligibility (Repealed)

An-A/E--whether-or-not-previously-determined-to-be-responsible-by-GBB--may--be ineligible---to---submit---proposals---on--GBB-projects--under--the--following circumstances:

- a) The-A/E-fails-to-meet-statutory-or-regulatory-requirements-other--than those-set-out-in-this-Part;
- b) The-A/E--has-inadequate-relevant-experience-or-resources-to-undertake GBB-projects---in-determining-whether-an-A/E--has--adequate--relevant experience--GBB--will-consider-the-size-type-number-and-recency-of past-private-and-public-contracts-of-the-firm-its--predecessors--or key-persons-with-the-firm-However--size-alone-shall-not-be-cause-for denying-prequalification:

(Source: Repealed at 24 Ill. Reg. _____, effective _____)

CAPITAL DEVELOPMENT BOARD

NOTICE OF PROPOSED AMENDMENTS

SUBPART B: SUSPENSION, DEBARMENT, MODIFICATION OF
PREQUALIFICATION, AND CONDITIONAL PREQUALIFICATION

Section 980.300 Actions Affecting Responsibility and Prequalification

At any time, CDB may consider whether an action is warranted concerning an A/E's prequalification. Actions that may be taken include one or more of the following:

- a) Interim or Emergency Suspension or Modification
CDB may summarily suspend or modify an A/E's prequalification in accordance with Section 16 of the Capital Development Board Act [20 ILCS 3105/16].
- b) Debarment
CDB may debar an A/E to exclude it from making submittals for CDB contracts as authorized by statute. The period of debarment shall be not less than five years and may be permanent when warranted or as authorized by law [20 ILCS 3105/16].
- c) Modification of Prequalification
CDB may modify or restrict ~~it~~ an A/E's prequalification as appropriate, including, but not limited to, one or more of the following:
 - 1) Limiting the size or type of contracts for which an A/E may submit proposals for a specified period of time or until a current contract is substantially complete.
 - 2) Limiting the number of CDB contracts an A/E may enter into for a specified period of time, or until a current contract is substantially complete.
 - 3) Limiting the aggregate dollar amount of contracts the A/E may enter into with CDB.
 - 4) Imposing limits as set forth above pending performance on the A/E's next CDB contract(s) in instances where the A/E has no current CDB contracts.
- d) Conditional Prequalification
CDB may condition prequalification (which may be otherwise limited) on the A/E's successful utilization of a management plan, evaluations, conferences, or other methods designed to achieve satisfactory performance or compliance with contract requirements.
- e) Suspension
CDB may suspend an A/E firm or disqualify an A/E firm temporarily from submitting with CDB, for a period of time up to five years. The A/E's failure to timely pursue administrative action as provided by Subpart D of this Part shall constitute consent of the A/E to CDB's action.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 980.320 Nullification of Prequalification

CAPITAL DEVELOPMENT BOARD

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When CDB determines that an A/E has knowingly made a material misrepresentation in its application for prequalification, the A/E may not reapply to CDB for a period of three years from the date of the determination of material misrepresentation.

- a) ~~When the A/E has not previously applied to CDB, or it failed to reapply, the three-year period shall begin on the date of the submittal of the application.~~
- b) ~~When the A/E is currently prequalified, the three-year period shall begin on the date prequalification was granted.~~
- a) CDB will notify the A/E of the nullification ~~nullity~~. The A/E may, within 30 days after notification, submit a written explanation with supporting documentation for CDB's review.
- b) CDB may cancel awards or terminate any contracts awarded that were based upon the application with misrepresentations.
- c) A material misrepresentation is made by knowingly submitting any untrue, misleading or deceptive information or document containing such information, or by the concealment, suppression or omission of any information, in or from an application, which causes CDB to act differently than it would have if it had known the undisclosed or true information.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 980.460 Effect on Current Contracts ~~(Repealed)~~

~~Current CDB contracts may be terminated when an A/E is determined to be non-responsible and it is in the public interest to do so, whether or not the non-responsibility has a direct connection with the current contract. Contracts may be terminated with or without further action on the A/E's prequalification.~~

(Source: Repealed at 24 Ill. Reg. _____, effective _____)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Pay Plan
- 2) Code Citation: 80 Ill. Adm. Code 310
- 3) Section Number: 310.280
Proposed Action: Amend
- 4) Authority Authority: Authorized by Sections 8 and 8a of the Personnel Code [20 ILCS 415/8 and 8a].
- 5) A Complete Description of the Subjects and Issues Involved: In Section 310.280, Designated Rate, the annual salary for the Public Service Administrator position is being increased from \$70,464 to \$73,632 at the request of the Department of Human Services.
- 6) Will this proposed rule replace an emergency rule currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain any incorporations by reference? No
- 9) Are there any proposed amendments pending to this Part? Yes
- 10) Statement of Statewide Objectives: These amendments to the Pay Plan pertain only to State employees subject to the Personnel Code and do not set out any guidelines that are to be followed by local or other jurisdictional bodies within the State.
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:
- 12) Initial Regulatory Flexibility Analysis:

Mr. Michael Murphy
Department of Central Management Services
Division of Technical Services
504 William G. Stratton Building
Springfield, Illinois 62706
(217) 782-5601

- A) Types of small businesses, small municipalities and not for profit corporations affected: None. The Department of Central Management Services' Pay Plan extends only to Personnel Code employees under the jurisdiction of the Governor.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES
 SUBTITLE B: PERSONNEL RULES, PAY PLANS, AND
 POSITION CLASSIFICATIONS
 CHAPTER I: DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

PART 310
 PAY PLAN

SUBPART A: NARRATIVE

Section
 310.20 Policy and Responsibilities
 310.30 Jurisdiction
 310.40 Pay Schedules
 310.50 Definitions
 310.60 Conversion of Base Salary to Pay Period Units
 310.70 Conversion of Base Salary to Daily or Hourly Equivalents
 310.80 Increases in Pay
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 310.100 Other Pay Provisions
 310.110 Implementation of Pay Plan Changes for Fiscal Year 2000
 310.120 Interpretation and Application of Pay Plan
 310.130 Effective Date
 310.140 Reinstitution of Within Grade Salary Increases (Repealed)
 310.150 Fiscal Year 1985 Pay Changes in Schedule of Salary Grades, Effective July 1, 1984 (Repealed)

SUBPART B: SCHEDULE OF RATES

Section
 310.205 Introduction
 310.210 Prevailing Rate
 310.220 Negotiated Rate
 310.230 Part-Time Daily or Hourly Special Services Rate
 310.240 Hourly Rate
 310.250 Member, Patient and Inmate Rate
 310.260 Trainee Rate
 310.270 Legislated and Contracted Rate
 310.280 Designated Rate
 310.290 Out-of-State or Foreign Service Rate
 310.300 Educator Schedule for RC-063 and HR-010
 310.310 Physician Specialist Rate
 310.320 Annual Compensation Ranges for Executive Director and Assistant Executive Director, State Board of Elections
 310.330 Excluded Classes Rate (Repealed)

SUBPART C: MERIT COMPENSATION SYSTEM

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Section
 310.410 Jurisdiction
 310.420 Objectives
 310.430 Responsibilities
 310.440 Merit Compensation Salary Schedule
 310.450 Procedures for Determining Annual Merit Increases
 310.455 Intermittent Merit Increase
 310.456 Merit Zone (Repealed)
 310.460 Other Pay Increases
 310.470 Adjustment
 310.480 Decreases in Pay
 310.490 Other Pay Provisions
 310.495 Broad-Band Pay Range Classes
 310.500 Definitions
 310.510 Conversion of Base Salary to Pay Period Units
 310.520 Conversion of Base Salary to Daily or Hourly Equivalents
 310.530 Implementation
 310.540 Annual Merit Increase Guidechart for Fiscal Year 2000
 310.550 Fiscal Year 1985 Pay Changes in Merit Compensation System, effective July 1, 1984 (Repealed)

APPENDIX A

Negotiated Rates of Pay

TABLE A HR-190 (Department of Central Management Services - State of Illinois Building - SEIU)
 TABLE AA NR-916 (Department of Natural Resources, Teamsters)
 TABLE B HR-200 (Department of Labor - Chicago, Illinois - SEIU), (Repealed)
 TABLE C RC-069 (Firefighters, AFSCME) (Repealed)
 TABLE D HR-001 (Teamsters Local #726)
 TABLE E RC-020 (Teamsters Local #330)
 TABLE F RC-019 (Teamsters Local #25)
 TABLE G RC-045 (Automotive Mechanics, IFPE)
 TABLE H RC-006 (Corrections Employees, AFSCME)
 TABLE I RC-009 (Institutional Employees, AFSCME)
 TABLE J RC-014 (Clerical Employees, AFSCME)
 TABLE K RC-023 (Registered Nurses, INA)
 TABLE L RC-008 (Boilermakers)
 TABLE M RC-110 (Conservation Police Lodge)
 TABLE N RC-010 (Professional Legal Unit, AFSCME)
 TABLE O RC-028 (Paraprofessional Human Services Employees, AFSCME)
 TABLE P RC-029 (Paraprofessional Investigatory and Law Enforcement Employees, IFPE)
 TABLE Q RC-033 (Meat Inspectors, IFPE)
 TABLE R RC-042 (Residual Maintenance Workers, AFSCME)
 TABLE S HR-012 (Fair Employment Practices Employees, SEIU)
 TABLE T HR-010 (Teachers of Deaf, IFT)
 TABLE U HR-010 (Teachers of Deaf, Extracurricular Paid Activities)
 TABLE V CU-500 (Corrections, Meet and Confer Employees)
 TABLE W RC-062 (Technical Employees, AFSCME)

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TABLE X	RC-063 (Professional Employees, AFSCME)
TABLE Y	RC-063 (Educators, AFSCME)
TABLE Z	RC-063 (Physicians, AFSCME)
APPENDIX B	Schedule of Salary Grades - Monthly Rates of Pay for Fiscal Year 2000
APPENDIX C	Medical Administrator Rates for Fiscal Year 2000
APPENDIX D	Merit Compensation System Salary Schedule for Fiscal Year 2000
APPENDIX E	Teaching Salary Schedule (Repealed)
APPENDIX F	Physician and Physician Specialist Salary Schedule (Repealed)
APPENDIX G	Broad-Band Pay Range Classes Salary Schedule for Fiscal Year 2000

AUTHORITY: Implementing and authorized by Sections 8 and 8a of the Personnel Code [20 ILCS 415/8 and 8a].

SOURCE: Filed June 28, 1967; codified at 8 Ill. Reg. 1558; emergency amendment at 8 Ill. Reg. 1990, effective January 31, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 2440, effective February 15, 1984; emergency amendment at 8 Ill. Reg. 3348, effective March 5, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 4249, effective March 16, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 5704, effective April 16, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 7290, effective May 11, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 11299, effective June 25, 1984; emergency amendment at 8 Ill. Reg. 12616, effective July 1, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 15007, effective August 6, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 15367, effective August 13, 1984; emergency amendment at 8 Ill. Reg. 21310, effective October 10, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 21544, effective October 24, 1984; amended at 8 Ill. Reg. 22844, effective November 14, 1984; emergency amendment at 9 Ill. Reg. 1134, effective January 16, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 1320, effective January 23, 1985; amended at 9 Ill. Reg. 3681, effective March 12, 1985; emergency amendment at 9 Ill. Reg. 4163, effective March 15, 1985, for a maximum of 150 days; emergency amendment at 9 Ill. Reg. 9231, effective May 31, 1985; amended at 9 Ill. Reg. 10663, effective July 1, 1985; emergency amendment at 9 Ill. Reg. 15043, effective September 24, 1985, for a maximum of 150 days; peremptory amendment at 10 Ill. Reg. 3325, effective January 22, 1986; amended at 10 Ill. Reg. 3230, effective January 24, 1986; emergency amendment at 10 Ill. Reg. 8904, effective May 13, 1986, for a maximum of 150 days; peremptory amendment at 10 Ill. Reg. 8928, effective May 13, 1986; emergency amendment at 10 Ill. Reg. 12090, effective June 30, 1986, for a maximum of 150 days; peremptory amendment at 10 Ill. Reg. 13675, effective July 31, 1986; peremptory amendment at 10 Ill. Reg. 14867, effective August 26, 1986; amended at 10 Ill. Reg. 15567, effective September 17, 1986; emergency amendment at 10 Ill. Reg. 17765, effective September 30, 1986, for a maximum of 150 days; peremptory amendment at 10 Ill. Reg. 19132, effective October 28, 1986; peremptory amendment at 10 Ill. Reg. 21097, effective December 9, 1986; amended at 11 Ill.

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Reg. 648, effective December 22, 1986; peremptory amendment at 11 Ill. Reg. 3363, effective February 3, 1987; peremptory amendment at 11 Ill. Reg. 4388, effective February 27, 1987; peremptory amendment at 11 Ill. Reg. 6291, effective March 23, 1987; amended at 11 Ill. Reg. 5901, effective March 24, 1987; emergency amendment at 11 Ill. Reg. 8787, effective April 15, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 11830, effective July 1, 1987, for a maximum of 150 days; peremptory amendment at 11 Ill. Reg. 13675, effective July 29, 1987; amended at 11 Ill. Reg. 14984, effective August 27, 1987; peremptory amendment at 11 Ill. Reg. 15273, effective September 1, 1987; peremptory amendment 11 Ill. Reg. 17919, effective October 19, 1987; peremptory amendment at 11 Ill. Reg. 19812, effective November 19, 1987; emergency amendment at 11 Ill. Reg. 20664, effective December 4, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20778, effective December 11, 1987; peremptory amendment at 12 Ill. Reg. 3811, effective January 27, 1988; peremptory amendment at 12 Ill. Reg. 5459, effective March 3, 1988; amended at 12 Ill. Reg. 6073, effective March 21, 1988; peremptory amendment at 12 Ill. Reg. 7783, effective April 14, 1988; emergency amendment at 12 Ill. Reg. 7734, effective April 15, 1988, for a maximum of 150 days; peremptory amendment at 12 Ill. Reg. 8135, effective April 22, 1988; peremptory amendment at 12 Ill. Reg. 9745, effective May 23, 1988; emergency amendment at 12 Ill. Reg. 11778, effective July 1, 1988, for a maximum of 150 days; emergency amendment at 12 Ill. Reg. 12895, effective July 18, 1988, for a maximum of 150 days; peremptory amendment at 12 Ill. Reg. 13306, effective July 27, 1988; corrected at 12 Ill. Reg. 13359; amended at 12 Ill. Reg. 14630, effective September 6, 1988; amended at 12 Ill. Reg. 20449, effective November 28, 1988; peremptory amendment at 12 Ill. Reg. 20584, effective November 28, 1988; peremptory amendment at 13 Ill. Reg. 8080, effective May 10, 1989; amended at 13 Ill. Reg. 8849, effective May 30, 1989; peremptory amendment at 13 Ill. Reg. 8970, effective May 26, 1989; emergency amendment at 13 Ill. Reg. 10967, effective June 20, 1989, for a maximum of 150 days; emergency amendment expired on November 17, 1989; amended at 13 Ill. Reg. 11451, effective June 28, 1989; emergency amendment at 13 Ill. Reg. 11854, effective July 1, 1989, for a maximum of 150 days; corrected at 13 Ill. Reg. 12647; peremptory amendment at 13 Ill. Reg. 12887, effective July 24, 1989; amended at 13 Ill. Reg. 16950, effective October 20, 1989; amended at 13 Ill. Reg. 19221, effective December 12, 1989; amended at 14 Ill. Reg. 615, effective January 2, 1990; peremptory amendment at 14 Ill. Reg. 1627, effective January 11, 1990; amended at 14 Ill. Reg. 4455, effective March 12, 1990; peremptory amendment at 14 Ill. Reg. 7652, effective May 7, 1990; amended at 14 Ill. Reg. 10002, effective June 11, 1990; emergency amendment at 14 Ill. Reg. 11330, effective June 29, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 14361, effective August 24, 1990; emergency amendment at 14 Ill. Reg. 15570, effective September 11, 1990, for a maximum of 150 days; emergency amendment expired on February 8, 1991; corrected at 14 Ill. Reg. 16092; peremptory amendment at 14 Ill. Reg. 17098, effective September 26, 1990; amended at 14 Ill. Reg. 17189, effective October 2, 1990; amended at 14 Ill. Reg. 17189, effective October 19, 1990; amended at 14 Ill. Reg. 18719, effective November 13, 1990; peremptory amendment at 14 Ill. Reg. 18854, effective November 13, 1990; peremptory amendment at 15 Ill. Reg. 663,

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effective January 7, 1991; amended at 15 Ill. Reg. 3296, effective February 14, 1991; amended at 15 Ill. Reg. 4401, effective March 11, 1991; peremptory amendment at 15 Ill. Reg. 5100, effective March 20, 1991; peremptory amendment at 15 Ill. Reg. 5465, effective April 2, 1991; emergency amendment at 15 Ill. Reg. 10485, effective July 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 11080, effective July 19, 1991; amended at 15 Ill. Reg. 13080, effective August 21, 1991; amended at 15 Ill. Reg. 14210, effective September 23, 1991; emergency amendment at 16 Ill. Reg. 711, effective December 26, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 3450, effective February 20, 1992; peremptory amendment at 16 Ill. Reg. 5068, effective March 11, 1992; peremptory amendment at 16 Ill. Reg. 7056, effective April 20, 1992; emergency amendment at 16 Ill. Reg. 8239, effective May 19, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 8382, effective May 26, 1992; emergency amendment at 16 Ill. Reg. 13950, effective August 19, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 14452, effective September 4, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 238, effective December 23, 1992; peremptory amendment at 17 Ill. Reg. 498, effective December 18, 1992; amended at 17 Ill. Reg. 590, effective January 4, 1993; amended at 17 Ill. Reg. 1819, effective February 2, 1993; amended at 17 Ill. Reg. 6441, effective April 8, 1993; emergency amendment at 17 Ill. Reg. 12900, effective July 22, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 13409, effective July 29, 1993; emergency amendment at 17 Ill. Reg. 13789, effective August 9, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 14666, effective August 26, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 19103, effective October 25, 1993; emergency amendment at 17 Ill. Reg. 21858, effective December 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 22514, effective December 15, 1993; amended at 18 Ill. Reg. 227, effective December 17, 1993; amended at 18 Ill. Reg. 1107, effective January 18, 1994; amended at 18 Ill. Reg. 5146, effective March 21, 1994; peremptory amendment at 18 Ill. Reg. 9562, effective June 13, 1994; emergency amendment at 18 Ill. Reg. 11299, effective July 1, 1994, for a maximum of 150 days; peremptory amendment at 18 Ill. Reg. 13476, effective August 17, 1994; emergency amendment at 18 Ill. Reg. 14417, effective September 9, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 16545, effective October 31, 1994; peremptory amendment at 18 Ill. Reg. 16708, effective October 28, 1994; amended at 18 Ill. Reg. 17191, effective November 21, 1994; amended at 19 Ill. Reg. 1024, effective January 24, 1995; peremptory amendment at 19 Ill. Reg. 2481, effective February 17, 1995; peremptory amendment at 19 Ill. Reg. 3073, effective February 17, 1995; amended at 19 Ill. Reg. 3456, effective March 7, 1995; peremptory amendment at 19 Ill. Reg. 5145, effective March 14, 1995; amended at 19 Ill. Reg. 6452, effective May 2, 1995; peremptory amendment at 19 Ill. Reg. 6688, effective May 1, 1995; amended at 19 Ill. Reg. 7941, effective June 1, 1995; amended at 19 Ill. Reg. 8156, effective June 12, 1995; amended at 19 Ill. Reg. 9096, effective June 27, 1995; emergency amendment at 19 Ill. Reg. 11954, effective August 1, 1995, for a maximum of 150 days; peremptory amendment at 19 Ill. Reg. 13979, effective September 19, 1995; peremptory amendment at 19 Ill. Reg. 15103, effective October 12, 1995; amended at 19 Ill. Reg. 16160, effective November 28, 1995; amended at 20 Ill. Reg. 308, effective December

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22, 1995; emergency amendment at 20 Ill. Reg. 4060, effective February 27, 1996, for a maximum of 150 days; peremptory amendment at 20 Ill. Reg. 6334, effective April 22, 1996; peremptory amendment at 20 Ill. Reg. 7434, effective May 14, 1996; amended at 20 Ill. Reg. 8301, effective June 11, 1996; amended at 20 Ill. Reg. 8657, effective June 20, 1996; amended at 20 Ill. Reg. 9006, effective June 26, 1996; amended at 20 Ill. Reg. 9975, effective July 10, 1996; emergency amendment at 20 Ill. Reg. 10213, effective July 15, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 10841, effective August 5, 1996; peremptory amendment at 20 Ill. Reg. 13408, effective September 24, 1996; amended at 20 Ill. Reg. 15018, effective November 7, 1996; peremptory amendment at 20 Ill. Reg. 15092, effective November 7, 1996; emergency amendment at 21 Ill. Reg. 1023, effective January 6, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 1629, effective January 22, 1997; amended at 21 Ill. Reg. 5144, effective April 15, 1997; amended at 21 Ill. Reg. 6444, effective May 15, 1997; amended at 21 Ill. Reg. 7118, effective June 3, 1997; emergency amendment at 21 Ill. Reg. 10061, effective July 21, 1997, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 12859, effective September 8, 1997, for a maximum of 150 days; peremptory amendment at 21 Ill. Reg. 14267, effective October 14, 1997; peremptory amendment at 21 Ill. Reg. 14589, effective October 15, 1997; peremptory amendment at 21 Ill. Reg. 15030, effective November 10, 1997; amended at 21 Ill. Reg. 16344, effective December 9, 1997; peremptory amendment at 21 Ill. Reg. 16465, effective December 4, 1997; peremptory amendment at 21 Ill. Reg. 17167, effective December 9, 1997; peremptory amendment at 22 Ill. Reg. 1593, effective December 22, 1997; amended at 22 Ill. Reg. 2580, effective January 14, 1998; peremptory amendment at 22 Ill. Reg. 4326, effective February 13, 1998; peremptory amendment at 22 Ill. Reg. 5108, effective February 26, 1998; peremptory amendment at 22 Ill. Reg. 5749, effective March 3, 1998; amended at 22 Ill. Reg. 6204, effective March 12, 1998; peremptory amendment at 22 Ill. Reg. 7053, effective April 1, 1998; peremptory amendment at 22 Ill. Reg. 7320, effective April 10, 1998; peremptory amendment at 22 Ill. Reg. 7692, effective April 20, 1998; emergency amendment at 22 Ill. Reg. 12607, effective July 2, 1998, for a maximum of 150 days; peremptory amendment at 22 Ill. Reg. 15489, effective August 7, 1998; amended at 22 Ill. Reg. 16158, effective September 30, 1998; peremptory amendment at 22 Ill. Reg. 19105, effective September 30, 1998; peremptory amendment at 22 Ill. Reg. 19943, effective October 27, 1998; peremptory amendment at 22 Ill. Reg. 20406, effective November 5, 1998; amended at 22 Ill. Reg. 20581, effective November 16, 1998; amended at 23 Ill. Reg. 664, effective January 1, 1999; peremptory amendment at 23 Ill. Reg. 730, effective December 29, 1998; emergency amendment at 23 Ill. Reg. 6533, effective May 10, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 7065, effective June 3, 1999; emergency amendment at 23 Ill. Reg. 8169, effective July 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 11020, effective August 26, 1999; amended at 23 Ill. Reg. 12429, effective September 21, 1999; peremptory amendment at 23 Ill. Reg. 12493, effective September 23, 1999; amended at 23 Ill. Reg. 12604, effective September 24, 1999; amended at 23 Ill. Reg. 13053, effective September 27, 1999; peremptory amendment at 23 Ill. Reg. 13132, effective October 1, 1999; amended at 23 Ill. Reg. 13570, effective October 26, 1999; amended at 23 Ill. Reg. 14020, effective

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November 15, 1999; amended at 24 Ill. Reg. 1025, effective January 7, 2000; amended at 24 Ill. Reg. _____, effective _____.

SUBPART B: SCHEDULE OF RATES

Section 310.280 Designated Rate

The rate of pay for a specific position or class of positions where it is deemed desirable to exclude such from the other requirements of this Pay Plan shall be only as designated by the Governor.

Department of Commerce & Community Affairs

Economic Development Representative II (Pos. No. 12932-42-35-110-10-02)	<u>Annual Salary</u> 54,048
Private Secretary II (Pos. No. 34202-42-00-000-01-02)	<u>Annual Salary</u> 48,492
Public Information Officer IV (Pos. No. 37004-42-00-005-10-01)	<u>Annual Salary</u> 59,184
Public Service Administrator (Pos. No. 37015-42-35-140-20-01)	<u>Annual Salary</u> 74,508

Department of Insurance

Senior Public Service Administrator (Pos. No. 40070-14-00-000-00-06)	<u>Annual Salary</u> 100,992
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Department of Human Services

Medical Administrator I, Option D (Pos. No. 26401-10-79-006-00-21)	<u>Annual Salary</u> 142,368
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Public Service Administrator (Pos. No. 37015-10-23-100-30-01)	<u>Annual Salary</u> 70,464
------------------------------------------------------------------	--------------------------------

Senior Public Service Administrator (Pos. No. 40070-10-81-920-00-21)	<u>Annual Salary</u> 105,480
-------------------------------------------------------------------------	---------------------------------

Department of Natural Resources

Administrative Assistant II (Pos. No. 00502-12-30-000-20-01)	<u>Annual Salary</u> 50,520
-----------------------------------------------------------------	--------------------------------

Department of State Police

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Senior Public Service Administrator
(Pos. No. 40070-21-10-000-00-01) Annual Salary 109,358 |

(Source: Amended at 24 Ill. Reg. _____, effective _____.)

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NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Electric Reliability2) Code Citation: 83 Ill. Adm. Code 4113) Section Numbers: Proposed Action:

411.300	New Section
411.301	New Section
411.305	New Section
411.310	New Section
411.315	New Section
411.320	New Section
411.323	New Section
411.325	New Section
411.330	New Section
411.332	New Section
411.335	New Section
411.340	New Section
411.345	New Section
411.350	New Section
411.355	New Section
411.360	New Section

4) Statutory Authority: Implementing Sections 8-401 and 16-125 and authorized by Sections 10-101 and 16-125 of the Public Utilities Act [220 ILCS 5/8-401, 10-101, and 16-125].5) A Complete Description of the Subjects and Issues Involved: The requirements for the Customer Satisfaction Survey ("Survey") are found in Section 16-125(b)(4)(iv) of the Public Utilities Act. Section 16-125 requires in part that each jurisdictional entity shall file annually with the Commission a detailed report concerning "the age, current condition, reliability and performance of the jurisdictional entity's existing transmission and distribution facilities." The report must also contain the Survey required in Section 16-125(b)(4)(iv) of the Act. Pursuant to this, the Survey must cover, "among other areas identified in Commission rules, reliability, customer service, and understandability of the jurisdictional entity's services and prices."

These proposed amendments provide specific instructions to the electric service jurisdictional entities on how to administer the customer satisfaction survey mandated by the Section 16-125. These proposals are designed to provide a statistically reliable indicator of customer opinions regarding electric service.

6) Will these proposed Amendments replace emergency Amendments currently in effect? No7) Does this rulemaking contain an automatic repeal date? No

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NOTICE OF PROPOSED AMENDMENTS

8) Do these proposed amendments contain incorporations by reference? No9) Are there any other proposed amendments pending on this Part? No10) Statement of Statewide Policy Objectives: These proposed amendments neither create nor expand any state mandate on units of local government, school districts, or community college districts.11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments should be filed with the Chief Clerk within 45 days after the date of this issue of the Illinois Register.

Donna M. Caton
Chief Clerk
Illinois Commerce Commission
527 East Capitol Avenue
P.O. Box 19280
Springfield IL 62794-9280

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: These amendments will affect any subject jurisdictional entities that are also small businesses as defined in the Illinois Administrative Procedure Act.

B) Reporting, bookkeeping or other procedures required for compliance: Reporting procedures

C) Types of professional skills necessary for compliance: Managerial skills

13) Regulatory Agenda on which this rulemaking was summarized: This rule was not included on either of the 2 most recent agendas because: it was not anticipated that the rulemaking would be submitted for first notice at this time.

The full text of the Proposed Amendments begins on the next page:

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NOTICE OF PROPOSED AMENDMENTS

TITLE 83: PUBLIC UTILITIES
CHAPTER I: ILLINOIS COMMERCE COMMISSION
SUBCHAPTER C: ELECTRIC UTILITIES

PART 411
ELECTRIC RELIABILITY

SUBPART A: GENERAL

Section
411.10
411.20
411.30
411.40
411.50

Purpose
Definitions
Applicability of Subpart B
Applicability of Subpart C
Commission Design of Customer Survey

SUBPART B: REQUIREMENTS FOR ALL JURISDICTIONAL ENTITIES

Section
411.100
411.110
411.120
411.130
411.140
411.150
411.160
411.170
411.180
411.190

Reliability Obligations
Record-Keeping Requirements
Notice and Reporting Requirements
Interruption Cause Categories
Reliability Review
Modification or Exemption
Format and Disclosure of Reports
Exclusions
System Protection
Approval of Vegetation Management Programs

SUBPART C: UTILITIES WITH 1,000,000 OR MORE CUSTOMERS

Section
411.200
411.210
411.220
411.230

Specific Record-Keeping Requirements
Specific Notice and Reporting Requirements
Proceedings to Determine Responsibility Under 220 ILCS 5/16-125(e) & (f)
Proceedings to Determine Damages Under 220 ILCS 5/16-125(e) & (f)

SUBPART D: ELECTRIC SERVICE CUSTOMER SATISFACTION SURVEY

Section
411.300
411.301
411.305
411.310
411.315
411.320

Purpose of Subpart D
Definitions Used in Subpart D
Customer Survey Requirements
General Characteristics of the Customer Survey
Survey Implementation
Format for Results of the Customer Satisfaction Survey

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411.323 Raw Data
411.325 Survey Parameters
411.330 Categories of Responses for Survey Questions
411.332 Descriptive Statistics
411.335 Rating Questions
411.340 Yes/No Questions
411.345 Categorical Questions
411.350 Data Comparisons
411.355 Tracking the Results of the Customer Satisfaction Survey
411.360 Executive Summary

TABLE A Causes of Interruptions

AUTHORITY: Implementing Sections 8-401 and 16-125 and authorized by Sections 10-101 and 16-125 of the Public Utilities Act [220 ILCS 5/8-401, 10-101, and 16-125].

SOURCE: Emergency rules adopted at 22 Ill. Reg. 11177, effective June 10, 1998, for a maximum of 150 days; adopted at 22 Ill. Reg. 20042, effective November 7, 1998; amended at 24 Ill. Reg. _____, effective _____.

SUBPART D: ELECTRIC SERVICE CUSTOMER SATISFACTION SURVEY

Section 411.300 Purpose of Subpart D

This Subpart provides specific instructions to the electric service jurisdictional entities on how to administer the customer satisfaction survey mandated by the Electric Service Customer Choice and Rate Relief Law of 1997. Each jurisdictional entity is required to submit to the Commission an annual report that includes the results of a customer satisfaction survey. The customer satisfaction survey covers reliability of electric service, customer service, and customer understanding of the jurisdictional entity's services and prices.

(Source: Added at 24 Ill. Reg. _____, effective _____.)

Section 411.301 Definitions Used in Subpart D

Absolute value - A nonnegative number equal in numerical value to a given real number.
Categorical questions - Questions with response options limited to prescribed categories.
Confidence interval - A range believed to contain the actual response of the entire population, based on a sample result.

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Confidence level - The probability that a result, based on a sample, is likely to contain the actual response of the entire population.

Contingency table - A depiction of observed and expected frequencies in the sample data.

Correlation coefficient - An indicator of both the strength and the direction of a relationship between responses. The coefficient has two components: a value and a sign. Coefficient values range from 0 to 1 or 0 to -1 and indicate the strength of the relationship between two variables. As the value of the coefficient approaches 1, the relationship becomes stronger, with a value of 1 indicating a one-to-one correlation. As the value of the coefficient approaches 0, the relationship becomes weaker, with a value of 0 indicating no relationship. The coefficient can be either positive or negative.

Cross-tabulations - A widely used method for studying the relationship or association among and between variables. In cross-tabulation, the sample is divided into subgroups in order to examine how a variable of interest varies from subgroup to subgroup.

Descriptive statistics - Statistics that organize and summarize information without interpreting meaning. Descriptive statistics include, but are not limited to, the range of responses, the median response, and the modal response.

Mean response - The sum of the numeric value of each response divided by the number of responses.

Median response - The numeric value of the response with 50% of responses above and 50% below it.

Modal response - The response that occurs most frequently.

Non-responses - The number of individuals in the sample who are not reached or refuse to respond to the entire survey or to a specific question.

Pearson Product Moment Correlation - The maximum likelihood estimator of population correlation, under normal conditions. If underlying requirements are met, it is most likely to detect co-variation or relationship between variables in the population.

Population - The total number, in each category, of residential and non-residential customers for the jurisdictional entity.

Range of responses - The distance between the highest score and the lowest score.

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Rating questions - Questions with response options expressed as a numeric value on a scale of one to ten.

Respondents - The number of respondents (those who are reached and complete the survey).

Response rate - This is calculated by dividing the number of respondents by the number of prospective respondents contacted.

Sample size - The total number of randomly selected customers, including those who responded and those who did not.

Sampling frame - The size of the accessible population from which a sample is drawn. For example, where jurisdictional entities draw the sample from their customer databases, the sampling frame is identical to the population. Where jurisdictional entities use random digit dial, the sampling frame shall be valid telephone numbers.

Standard chi-square test - A statistical test used to determine if a relationship between variables exists by comparing expected and observed cell frequencies. Specifically, a chi-square test examines the observed frequencies in a category and compares them to what would be expected by chance or would be expected if there were no relationship between variables.

Statistically significant - Differences at the .05 probability level and/or relationships with a statistically significant correlation of .5 or higher.

Yes/no questions - Questions with yes or no response options.

(Source: Added at 24 Ill. Reg. _____, effective _____)

Section 411.305 Customer Survey Requirements

a) The survey addresses the following topics:

- 1) Residential and non-residential screening;
- 2) Overall satisfaction;
- 3) Reliability performance;
- 4) Customer service performance;
- 5) Understanding of services;
- 6) Tree-trimming performance;
- 7) Understanding of prices;
- 8) Billing; and
- 9) Demographics and firmographics.

b) The research objectives for these surveys are to provide the Commission with basic knowledge about:

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- 1) Consumer understanding of electric delivery services and prices for residential, commercial and industrial consumers for each utility;
- 2) Consumer satisfaction with electric delivery services and reliability; and
- 3) Changes in understanding and satisfaction over time for residential and non-residential consumers and within subgroups.

(Source: Added at 24 Ill. Reg. _____, effective _____)

Section 411.310 General Characteristics of the Customer Survey

- a) The customer survey shall be conducted annually, in the fall, on the anniversary of the initial survey.
- b) The survey shall be identical for all jurisdictional entities.
- c) The survey shall be conducted for residential and non-residential customers. For the residential population, the survey respondent shall be the person in the household who is most familiar with the household's electric service. For non-residential customers, the survey respondent shall be the decision-maker for the purchase of electric power.
- d) For each jurisdictional entity, the sample size shall be adequate to ensure that answers are reflective of the population at a specified statistical level of confidence and confidence interval as follows:
 - 1) For residential customers, sample size shall be sufficient to achieve a 95% confidence level with a confidence interval of $\pm 4.0\%$. This confidence level and confidence interval equates to 600 respondents for utilities with 10,000 or more residential customers. The sample size for utilities with fewer than 10,000 residential customers would be adjusted by a finite population correction factor calculated as $(N - n)/(N - 1)$, where N = population size and n = originally required sample size.
 - 2) For non-residential customers, sample size shall be sufficient to achieve a 95% confidence level with a confidence interval of $\pm 14.9\%$. This level of confidence and confidence interval equates to 400 respondents for utilities with 10,000 or more non-residential customers and accordingly fewer (i.e., $(N - n)/(N - 1)$) for smaller jurisdictional entities.
- e) Before eliminating a customer and randomly selecting a replacement, the jurisdictional entities shall:
 - 1) make a minimum of five telephone calls to each randomly selected customer;
 - 2) attempt to reach the randomly selected customer at different times of day;
 - 3) call the customer back at the specified time if the customer answers the telephone but asks to respond to the survey at a different time; and

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- 4) call back at a time the target respondent is expected at home or office if the telephone is answered by anyone but the target respondent.

(Source: Added at 24 Ill. Reg. _____, effective _____)

Section 411.315 Survey Implementation

- a) The jurisdictional entities shall comply with the following requirements in implementing the survey:
 - 1) Each jurisdictional entity shall identify the most effective sampling frame from which to draw the sample. Sampling frame options include:
 - A) A jurisdictional entity's customer database. If the jurisdictional entity does not have the telephone number for a randomly selected customer, it shall attempt to locate that telephone number in other available utility databases or purchase telephone numbers from an outside data provider;
 - B) Random digit dial; and
 - C) Purchased lists;
 - 2) An independent reviewer, such as a market research firm, shall review the sampling methodology and response rates each year to confirm that survey results adequately represent the entire population and are expected to be standard among jurisdictional entities. If a jurisdictional entity's survey results do not adequately represent the entire population and/or are not expected to be standard among jurisdictional entities, the independent reviewer shall recommend specific remedies or an alternative sampling frame for the following year;
 - 3) The jurisdictional entities shall provide a contact person to respond to the survey for any randomly selected industrial customers;
 - 4) A jurisdictional entity shall not volunteer any specific electricity provider during the course of the survey interview;
 - 5) A jurisdictional entity shall not offer incentives to encourage survey respondents to participate;
 - 6) Jurisdictional entities shall not add questions to the survey;
 - 7) For any given residential or non-residential survey, in any given year, the same trained team of interviewers shall be used to ensure consistency in conducting the interviews;
 - 8) Interviewers shall be trained to conduct the interviews effectively and efficiently to minimize any potential for interviewer bias; and
 - 9) A jurisdictional entity shall use a software package that displays ICC2114/20 as the survey instrument on-screen and allows answers to be entered directly into the system.
- b) Jurisdictional entities are encouraged to join together to hire a

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single research firm to execute the survey. If the jurisdictional entities elect to use a market research firm, the number of attempts provided by the firm, as well as the firm's past success at achieving a high response rate, shall be included in the selection criteria for the firm. Requests for proposals shall specify that the market research firm complies with the specifications of Sections 411.310 and 411.315.

- c) Jurisdictional entities shall pre-test the survey instrument with a total of 30 randomly selected residential respondents and 30 randomly selected non-residential respondents for all the jurisdictional entities combined. If any portion of the survey instrument is confusing to respondents, then the jurisdictional entities shall propose wording changes that preserve the meaning but provide clarity. These proposed wording changes shall be subject to approval by the Commission.

(Source: Added at 24 Ill. Reg. _____, effective _____)

Section 411.320 Format for Results of the Customer Satisfaction Survey

Each jurisdictional entity shall present the survey responses as part of the annual report to the Commission as required by 83 Ill. Adm. Code 411.120(b)(3)(G)(v). The annual report shall include the following information regarding the results of the customer satisfaction survey, described in greater detail in Sections 411.325 through 411.360:

- General information regarding the survey population, frame, sample size and response rates;
- An executive summary;
- Summary descriptive information about survey responses for each question and for correlated questions, known as descriptive statistics, according to a standard format for all jurisdictional entities;
- Statistically significant cross-tabulations of demographic questions with each of: rating questions, yes/no questions, and categorical questions. Cross-tabulations will include tests to determine statistically significant differences;
- Statistically significant cross-tabulations of responses to rating questions with each of: yes/no questions and categorical questions. Cross-tabulations will include tests to determine statistically significant differences; and
- Comparative responses for the current year and the preceding four years.

(Source: Added at 24 Ill. Reg. _____, effective _____)

Section 411.323 Raw Data

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Each jurisdictional entity shall make the raw data of survey responses available to the Commission for a period of five years after the submittal date of the annual report presenting the results of the survey. The Commission shall maintain the confidentiality of the raw data of survey responses.

(Source: Added at 24 Ill. Reg. _____, effective _____)

Section 411.325 Survey Parameters

Each jurisdictional entity must provide the following general information about the survey parameters:

- Population;
- Sampling frame;
- Sample size; and
- Number of respondents and number of non-respondents.

(Source: Added at 24 Ill. Reg. _____, effective _____)

Section 411.330 Categories of Responses for Survey Questions

a) There are three categories of responses for the questions on the customer satisfaction survey:

- Rating questions;
 - Yes/no questions; and
 - Categorical questions.
- b) The survey instrument shall indicate whether the question is a rating question, a yes/no question, or a categorical question.
- c) The survey respondents shall not be given "N/A" (which shall be taken to mean "No Answer") or "Don't Know" as a response option. However, the person administering the survey shall have the option of recording these types of responses shall they be applicable. The jurisdictional entities shall report the number of respondents who declined to answer each question.

(Source: Added at 24 Ill. Reg. _____, effective _____)

Section 411.332 Descriptive Statistics

- The results of the customer satisfaction survey shall list, for each question, the number and percent of responses tabulated in each response category, including the total number of respondents and not including non-respondents. Responses that are reported in percentages shall be carried out to one decimal point.
- The jurisdictional entities shall refer to Sections 411.335, 411.340, and 411.345 in presenting the results of the customer satisfaction

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statistics describing responses by income shall present the income as the income per household. Jurisdictional entities shall only report relationships with a statistically significant correlation of .5 or higher or differences at the .05 probability level.

(Source: Added at 24 Ill. Reg. _____, effective _____)

Section 411.345 Categorical Questions

a) For the categorical questions in the results of the customer satisfaction survey, the following descriptive statistics shall be included:

- 1) The number and percent of responses and non-responses;
- 2) The number and percent of responses in each category;
- 3) The modal response; and
- 4) A ranking of the responses from the most frequent to the least frequent.

b) Non-demographic categorical questions shall also be cross-tabulated with demographic questions to show how respondents in different categories answered the questions, including the number and percent of responses in each demographic category. Statistically significant cross-tabulated statistics describing responses by income shall present the income as the income per household. Jurisdictional entities shall only report relationships with a statistically significant correlation of .5 or higher or differences at the .05 probability level.

(Source: Added at 24 Ill. Reg. _____, effective _____)

Section 411.350 Data Comparisons

a) The jurisdictional entities shall cross-tabulate data for the following two groupings of survey results:

- 1) Demographic Cross-Tabulations - Responses to demographic questions shall be cross-tabulated by each of: rating questions, yes/no questions, and categorical questions; and
- 2) Rating Cross-Tabulations - Responses to rating questions shall be cross-tabulated by each of: yes/no questions, categorical questions and demographic questions;

b) The statistic used to examine differences in the data shall be the chi-square;

c) The jurisdictional entities shall present relationships, as determined based on the standard chi-square test, using a contingency table;

d) All statistically significant differences between the observed and expected response at the .05 probability level shall be noted;

e) The jurisdictional entities shall use correlation coefficients to

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survey as part of the annual report to the Commission. Each entity shall provide information on a question-by-question basis, including every survey question, in conformance with the specifications listed in Sections 411.335, 411.340, and 411.345.

(Source: Added at 24 Ill. Reg. _____, effective _____)

Section 411.335 Rating Questions

a) For the questions in the results of the customer satisfaction survey where there is a range of answers from 1-10, the descriptive statistics shall include the following information:

- 1) The total number of responses and non-responses ("N/As");
- 2) The number and percentage of respondents that answered in each response category;
- 3) The mean response;
- 4) The median response;
- 5) The modal response; and
- 6) The range of responses.

b) Jurisdictional entities shall also present statistically significant cross-tabulations of rating questions with categorical questions to show how respondents in different categories rated the questions, as follows:

- 1) The number and percent of responses in each demographic category; and
- 2) A ranking from highest to lowest of the mean, median, modal and range of responses for each demographic type.

c) Statistically significant cross-tabulated statistics describing responses by income shall present the income as the income per household. Jurisdictional entities shall only report relationships with a statistically significant correlation of .5 or higher or differences at the .05 probability level.

(Source: Added at 24 Ill. Reg. _____, effective _____)

Section 411.340 Yes/No Questions

a) For the questions in the results of the customer satisfaction survey where the response is "yes/no," the following descriptive statistics shall be included:

- 1) The number and percent of responses and non-responses; and
- 2) The number and percent of yes and no responses.

b) Yes/no questions shall also be cross-tabulated with demographic questions to show how respondents in different categories answered the questions, including the number and percent of responses in each demographic category. Statistically significant cross-tabulated

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survey questions, with emphasis on:
a) Areas of particular satisfaction and dissatisfaction;
b) Changes over time; and
c) Statistically significant relationships between rating questions and other questions and demographic questions and other questions.

(Source: Added at 24 Ill. Reg. _____, effective _____)

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indicate the direction and strength of the relationship between reported ratings of satisfaction and responses to each survey question;
f) The jurisdictional entities shall present relationships, as determined based on the Pearson Product Moment Correlation, using a correlation table; and
g) All relationships with a statistically significant correlation that has an absolute value of .5 or higher shall be noted and shall be explained in the executive summary.

(Source: Added at 24 Ill. Reg. _____, effective _____)

Section 411.355 Tracking the Results of the Customer Satisfaction Survey

a) The initial results of the customer satisfaction survey shall establish a baseline of responses and serve as a point of comparison for future responses.
b) After the first year that each question is used, each jurisdictional entity shall provide a comparison of the current year responses to the historical responses. For years two, three and four, the jurisdictional entities shall show historical responses for two, three and four years, respectively. For the fifth year and after, jurisdictional entities shall show comparative responses for the current year and the preceding four years (five years in total).
c) If a question is deleted, then it shall not be necessary to present historical information in the annual report for the deleted question.
d) If a question is modified, then the modified question shall establish a new baseline of responses and serve as a point of comparison for future responses.
e) For modified questions, after the first year, each jurisdictional entity shall provide a comparison of the current year responses to the historical responses for the modified question. For years two, three and four, the jurisdictional entities shall show historical responses for two, three and four years, respectively, for the modified question. For the fifth year and after, jurisdictional entities shall show comparative responses for the current year and the preceding four years (five years in total) for the modified question.

(Source: Added at 24 Ill. Reg. _____, effective _____)

Section 411.360 Executive Summary

Jurisdictional entities shall submit, in accordance with Section 411.160, an executive summary describing in narrative form the meaning of the statistical information derived from the survey results. This executive summary shall be sufficient to communicate to the Commission customers' responses on all the

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1) Heading of the Part: Non-Academic Programs and Policies

2) Code Citation: 89 Ill. Adm. Code 830

3) Section Numbers: Proposed Action:
830.35 Amendment

4) Statutory Authority: Implementing Sections 10 and 11 and authorized by Section 3(f) of the Disabled Persons Rehabilitation Act [20 ILCS 2405/10, 11 and 3(f)].

5) A Complete Description of the Subjects and Issues involved: Title 89, Part 830 currently provides for an activity fee at all State Schools of \$30 for high school students and \$20 for elementary students. The proposed changes allow that the activity fees and year book costs be established prior to the beginning of each academic year by the superintendent of each school.

6) Will this proposed rule replace an emergency rule currently in effect?
No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed amendment contain incorporations by reference? No

9) Are there any other amendments pending on this Part? No

10) Statement of Statewide Policy Objectives (if applicable): This rulemaking does not create or expand a State mandate.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning this rulemaking within 45 days after this issue of the *Illinois Register*. All requests and comments should be submitted in writing to:

Ms. Susan Weir, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue East
3rd Floor Harris Bldg.
Springfield IL 62762
(217) 785-9772

If because of physical disability you are unable to put comments into writing, you may make them orally to the person listed above.

12) Initial Regulatory Flexibility Analysis:

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A) Types of small businesses, small municipalities and not for profit corporations affected: None

B) Reporting, bookkeeping or other procedures required for compliance:
None

C) Types of professional skills necessary form compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent agendas because: This rule was not anticipated at the time of the last Regulatory Agenda.

The full text of the Proposed Amendment begins on the next page:

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES
 CHAPTER IV: DEPARTMENT OF HUMAN SERVICES
 SUBCHAPTER f: EDUCATION FACILITIES

PART 830
 NON-ACADEMIC PROGRAMS AND POLICIES

Section	
830.10	The Taking and Using of Students' Photographs
830.15	Locally Held Funds
830.20	Needy Student Fund
830.30	Student Trust Fund
830.35	Student Activity Fees
830.40	Valuables
830.50	Health Services
830.60	Search and Seizure
830.70	Rights and Responsibilities of School Staff (Repealed)
830.80	Food and Nutrition
830.90	Safety and Sanitation
830.100	Donations
830.110	Release of Students to Authorized Individuals
830.120	Use of Motor Vehicles by Students
830.130	Student Activities Requiring Approval of Parents
830.140	Visits to State Schools
830.150	Behavior Intervention
830.160	Profit on Sales from Commissary Stores
830.170	Receipts from Athletic, Musical and Other Events
830.180	Transportation Fund
830.190	Use of Tobacco Products on State School Property

AUTHORITY: Implementing Sections 10 and 11 and authorized by Section 3(f) of the Disabled Persons Rehabilitation Act [20 ILCS 2405/10, 11 and 3(f)].

SOURCE: Adopted at 11 Ill. Reg. 15097, effective September 16, 1987; amended at 12 Ill. Reg. 14304, effective August 29, 1988; amended at 15 Ill. Reg. 6272, effective April 15, 1991; amended at 15 Ill. Reg. 17370, effective November 19, 1991; amended at 17 Ill. Reg. 6248, effective April 5, 1993; amended at 18 Ill. Reg. 14240, effective September 1, 1994; amended at 19 Ill. Reg. 15737, effective November 7, 1995; amended at 20 Ill. Reg. 15610, effective November 22, 1996; recodified from the Department of Rehabilitation Services to the Department of Human Services at 21 Ill. Reg. 9325; amended at 23 Ill. Reg. 10220, effective August 10, 1999; amended at 24 Ill. Reg. _____, effective _____.

Section 830.35 Student Activity Fund

- a) Student activity fees and year book costs, based on program costs, may be established by the superintendent at each school prior to the _____.

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beginning of each academic year are--\$30--per--year--for--high--school students--and--\$20--per--year--for--elementary--school--students. These fees should be paid at the beginning of the school year. The Needy Student Fund is available to assist in paying a student's activity fees, in accordance with Section 830.20.

- b) All student activity fees shall be placed in a locally held fund and may be spent for the special comfort, pleasure and amusement of the students. Documentation of all expenditures must be maintained.
- c) These funds and the records pertaining to such funds shall be subject to audit by DHS internal auditors and by the Auditor General of the State of Illinois.

(Source: Amended at 24 Ill. Reg. _____, effective _____.)

SECRETARY OF STATE

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENT

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1) Heading of the Part: General Rules, Definitions

2) Code Citation: 92 Ill. Adm. Code 1000

3) Section Number: Proposed Action
1000.70 Amendment

4) Statutory Authority: Implementing Chapters 11, 2 and 3 of the Illinois Vehicle Code [625 ILCS 5/Ch. 11, 2 and 3] and authorized by Section 2-104(b) of the Illinois Vehicle Code [625 ILCS 5/2-104(b)].

5) A Complete Description of the Subjects and Issues Involved: This amendment is being proposed because staffing within the Secretary of State Police have fallen to an unacceptably low level. This low level has had a significant and deteriorative effect on the department's ability to meet its primary mission which is the inspection of approximately 6000 school bus companies with approximately 25,000 bus drivers. Without the additional personnel, these investigations do not occur in a timely manner, thereby placing the well being of school children in jeopardy. This proposed amendment makes technical changes to comport with statutory changes and will streamline the hiring process for Investigator Trainees, as well as their promotion to Investigator. The hiring process will become more equitable by relying solely on a numerical score, rather than a more cumbersome interview process, and a probationary period is also included.

6) Will this proposed rulemaking replace an emergency rule currently in effect? Yes

7) Does this rulemaking contain an automatic repeal date? No

8) Does this rulemaking contain incorporations by reference? No

9) Are there any other amendments pending on this part? No

10) Statement of Statewide Policy Objectives: This rulemaking will have no effect on units of local government.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: The Secretary of State will fully consider all comments received within 45 days of the date this notice is published. All comments must be in writing and should be sent to:

Robert W. Mueller
Assistant General Counsel
2701 South Dirksen Parkway
Springfield IL 62723
217-782-5356

12) Initial Regulatory Flexibility Analysis: After careful consideration, the Secretary of State feels this proposed rulemaking will have no effect on any types of small businesses and the proposed rule has not been submitted to the Small Business Office of the Department of Commerce and Community Affairs.

13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included in either of the two most recent regulatory agendas because: additions to the Secretary of State Police force were not previously anticipated.

The full text of this proposed amendment is identical to the text of the emergency amendment appearing on page 1483 in this issue of the Illinois Register.

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Issuance of Licenses
- 2) Code Citation: 92 Ill. Adm. Code 1030
- 3) Section Numbers
1030.60 Proposed Action
Amendment
- 4) Statutory Authority: Sections 2-104(b) and 6-521(a) of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code [625 ILCS 5/2-104(b) and 6-521(a)] and Article I of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/Ch. 6, Art.I].
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking will require commercial driver's license applicants to hold a valid instruction permit for a period of 2 weeks prior to being skills tested and certified by a third party. This rulemaking will require commercial driver's license applicants to obtain from the Secretary of State an instruction permit for the specific vehicle classification in which they intend to be licensed, and that the applicant produce said instruction permit before the skills test and certification by a third-party entity. It will also require a minimum training period for commercial drivers who receive certification through a third-party entity and will require third-party entities to notify the Secretary of State of a driver's termination of employment, if said driver's employment lasted for less than six months. In addition, this rulemaking will require third-party testing entities to maintain a rating issued by the U.S. Department of Transportation of at least "Satisfactory" or "Conditional". Any third-party entity that has received an "Unsatisfactory" rating from the U.S. Department of Transportation shall be prohibited from conducting third-party testing pending a subsequent U.S. Department of Transportation rating of "Satisfactory" or "Conditional".

6) Will this proposed rulemaking replace an emergency rule currently in effect? Yes. It will replace Emergency Rule 92 Illinois Administrative Code 1030.60 Third-Party Certification Program, effective January 13, 2000 for a maximum of 150 days.

7) Does this rulemaking contain an automatic repeal date? No

8) Does this rulemaking contain incorporations by reference? No

9) Are there any other amendments pending on this Part? Yes

<u>Section Number</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
1030.97	Amendment	23 Ill. Reg. 11504 (September 17, 1999)
1030.98	Amendment	23 Ill. Reg. 11504 (September 17, 1999)

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- 10) Statement of Statewide policy Objectives: This rulemaking will not create or enlarge a State mandate.
- 11) Time, place and manner in which interested persons may comment on this proposed rulemaking: The Secretary of State will fully consider all comments received within 45 days of the date this notice is published. All comments must be in writing and should be sent to:
- Robert W. Mueller
Assistant General Counsel
Department of Driver Services
2701 South Dirksen Parkway
Springfield IL 62723
217-782-5356
- 12) Initial Regulatory Flexibility Analysis:
- A) Types of small business, small municipalities and not for profit corporations affected: None
- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: None
- 13) Regulatory Agenda on which this rulemaking was summarized: This rule was not included on either of the 2 most recent agendas because: Due to recent events in the Secretary of State's Office in dealing with the Third-Party Program, some deficiencies in the previous rules have been discovered. These shortcomings have created an immediate public safety concern.

The full text of the Proposed Amendment is identical to the text of the Emergency Rule appearing on page 1088 in this issue of the Illinois Register.

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1) Heading of the Part: College Savings Bond Bonus Incentive Grant (BIG) Program

2) Code Citation: 23 Ill. Adm. Code 2771

3) Section Numbers: Proposed Action:
2771.30 Amendment

4) Statutory Authority: Implementing and authorized by Section 8 of the Baccalaureate Savings Act [110 ILCS 920/8].

5) A Complete Description of the Subjects and Issues Involved: ISAC annually reviews its rules in order to respond to market changes and client suggestions, to implement State and federal statutory amendments, to codify improvements due to technological advances, and to clarify issues that have arisen during the previous year. We also are continuing an initiative to increase the level of standardization in procedures, format and terminology throughout our programmatic rules, in order to make them easier for our clients to use. In addition to making minor technical and grammatical changes throughout this Part, ISAC proposes the following substantive amendments:

Section 2771.30(a)(3), under Program Procedures, has been amended to clarify the time period during which a BIG application is to be submitted. Also, Section 2771.30(d) has been modified to clarify the time period during which any BIG assistance must be used.

6) Will these proposed amendments replace an emergency rule currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed amendments contain incorporations by reference? No

9) Are there any other amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a state mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)] and does not necessitate a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to comment on this proposed rulemaking may submit written comments no later than 45 days after the publication of this notice to:

Thomas A. Breyer

ILLINOIS STUDENT ASSISTANCE COMMISSION

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Deputy Program Officer
Illinois Student Assistance Commission
1755 Lake Cook Road
Deerfield IL 60015
(847) 948-8500

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: None

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: January 2000

The full text of the Proposed Amendments begins on the following page:

ILLINOIS STUDENT ASSISTANCE COMMISSION

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TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSION

PART 2771

COLLEGE SAVINGS BOND BONUS INCENTIVE GRANT (BIG) PROGRAM

Section

2771.10 Summary and Purpose

2771.20 Applicant Eligibility

2771.30 Program Procedures

2771.40 Institutional Procedures

APPENDIX A Table of Grant Amounts

AUTHORITY: Implementing and authorized by Section 8 of the Baccalaureate Savings Act [110 ILCS 920/8].

SOURCE: Emergency rules adopted at 15 Ill. Reg. 15800, effective October 21, 1991, for a maximum of 150 days; emergency expired on March 19, 1992; adopted at 16 Ill. Reg. 6873, effective April 14, 1992; amended at 18 Ill. Reg. 10246, effective July 1, 1994; amended at 19 Ill. Reg. 8312, effective July 1, 1995; amended at 20 Ill. Reg. 9136, effective July 1, 1996; Old Part repealed and New Part adopted at 21 Ill. Reg. 11018, effective July 18, 1997; amended at 22 Ill. Reg. 11035, effective July 1, 1998; amended at 23 Ill. Reg. 7532, effective July 1, 1999; amended at 24 Ill. Reg. _____, effective _____.

Section 2771.30 Program Procedures

a) Application Procedures

- 1) Applications for a BIG shall be available from the Illinois Student Assistance Commission (ISAC) and eligible non-profit institutions of higher learning.
- 2) A complete application for BIG assistance shall include certifications from: the bondholder, the student beneficiary and the Registrar of the institution of higher learning at which the student beneficiary is enrolled.
- 3) A bondholder or a student beneficiary must may submit a BIG application at-any-time between August 1 and May 30 of the for--a grant--spanning--that--same academic year for which assistance is being requested. All grants under this program are subject to sufficient annual appropriations for this program by the General Assembly.
- 4) ISAC may require applicants to provide documentation verifying that the bondholder owned the bonds for the requisite length of time.
- 5) One student beneficiary may be designated for each bond redeemed. In cases where two individuals jointly own a college savings

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bond, only one student beneficiary may be designated.

b) Application Certifications

1) The bondholder shall certify that:

- A) the aggregate compound accreted value at maturity of the college savings bond(s) was not more than \$25,000;
- B) at least 70 percent of the proceeds of the college savings bond(s) have been or will be used for educational expenses incurred by the student beneficiary during an academic year;
- C) the student named on the application has been designated as the beneficiary of the bond proceeds;
- D) no other student has been designated as the student beneficiary for the same college savings bond;
- E) the information provided on the application with regard to the bonds is true and correct, including the date on which the bond(s) were issued, the date on which the bond(s) were acquired and the date on which the bond(s) matured; and the preceding certifications are being provided for the academic year in which the application is being submitted.

2) The student beneficiary shall certify that:

- A) his or her address, Social Security Number and other identifying information is accurate;
- B) at least 70% of the proceeds of the College Savings Bonds will be used for educational expenses;
- C) s/he is enrolled at an eligible non-profit institution of higher learning;
- D) s/he will use the BIG proceeds to finance educational expenses which are reasonably incurred during an academic year, including tuition and fees, room and board, books and supplies, child care expenses, laundry, travel and other personal expenses related to attendance at the institution of higher learning; and
- E) s/he will not use the BIG proceeds to finance costs incurred in an academic program of divinity for any religious denomination or in a course of study to become a minister, priest, rabbi or other professional in the field of religion.

c) The dollar value of the BIG shall be determined according to the Table of Grant Amounts (see Appendix A of this Part); provided, however, that:

- 1) the compound accreted value of the bonds shall not exceed \$25,000 in any given academic year;
Example: A BIG could not be claimed for more than 5 bonds of \$5,000 compound accreted value each in any given year. Even if 12 bonds of \$5,000 compound accreted value each, or \$60,000 total, had been purchased on behalf of a beneficiary, a BIG could be paid only for the first \$25,000.
- 2) 70 percent of the compound accreted value of the bonds for which a BIG is being claimed in a given academic year does not exceed

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the beneficiary's cost of attendance at the institution of higher learning for that year.

Example: The beneficiary's cost of attending University A is \$14,000. Since \$14,000 is 70 percent of \$20,000, a BIG could not be claimed for bonds with a compound accreted value in excess of \$20,000. Even if 5 bonds of \$5,000 compound accreted value each, or \$25,000 total, had been purchased on behalf of the beneficiary, in this case a BIG could be paid only on the first \$20,000.

d) Both the proceeds of the bond(s) and the BIG assistance must be used by the student beneficiary in the academic year in which the bond matures ~~was-redeemed~~ or in the academic year immediately following maturity ~~redemption~~.

e) Applicants may request that their eligibility for ISAC gift assistance be recalculated to exclude up to \$25,000 in accumulated bonds and interest, pursuant to ISAC Appeal Procedures (see 23 Ill. Adm. Code 2700.70). Recalculations will only be performed for those students who complete the required federal needs analysis process.

(Source: Amended at 24 Ill. Reg. _____, effective _____.)

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1) Heading of the Part: David A. DeBolt Teacher Shortage Scholarship (DTSS) Program

2) Code Citation: 23 Ill. Adm. Code 2764

3) Section Numbers: Proposed Action:
2764.10 Amendment
2764.30 Amendment

4) Statutory Authority: Implementing Section 52 of the Higher Education Student Assistance Act [110 ILCS 947/52] and authorized by Sections 20(f) and 52 of the Higher Education Student Assistance Act [110 ILCS 947/20(f) and 52].

5) A Complete Description of the Subjects and Issues Involved: ISAC annually reviews its rules in order to respond to market changes and client suggestions, to implement State and federal statutory amendments, to codify improvements due to technological advances, and to clarify issues that have arisen during the previous year. We also are continuing an initiative to increase the level of standardization in procedures, format and terminology throughout our programmatic rules, in order to make them easier for our clients to use. In addition to making minor technical and grammatical changes throughout this Part, ISAC proposes the following substantive amendments:

As a result of Public Law 91-670, the teaching requirement under DTSS may now be fulfilled at an Illinois public, private or parochial preschool, elementary or secondary school. Previously, this was limited to Illinois public schools. This change has been reflected in Sections 2764.10(a) and 2764.30(k)(3).

In connection with ISAC's reengineering efforts, changes are being incorporated to reflect both legislative action and operational improvements which have been designed to achieve a greater level of standardization among our programs. In Section 2764.30(b), Program Procedures, the application deadline date has been changed from May 1 to March 1. The processing timetable for each of ISAC's three teacher scholarship programs - Minority Teachers of Illinois (MTI) Scholarship Program, David A. DeBolt Teacher Shortage Scholarship (DTSS) Program, and Illinois Special Education Teacher Tuition Waiver (SETTW) Program - has now been standardized, making for a simpler application process for students and more efficient program administration for ISAC.

Also, the selection criteria set forth in Section 2764.30(c) have been amended to provide for prior year recipients of DTSS assistance to receive first priority consideration for scholarships. Our early experience with DTSS indicates that some recipients fail to receive continuing assistance during the following year, which violates our philosophical commitment to

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helping students complete their degree programs. In particular, since DTSS scholarships convert to loans if the student fails to complete his or her program of study and fulfill the teaching obligation, it was deemed essential that prior year recipients who continue to meet all eligibility criteria receive priority consideration for continued funding.

- 6) Will these proposed amendments replace an emergency rule currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporations by reference? No
- 9) Are there any other amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a state mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)] and does not necessitate a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to comment on this proposed rulemaking may submit written comments no later than 45 days after the publication of this notice to:

Thomas A. Breyer
Deputy Program Officer
Illinois Student Assistance Commission
1755 Lake Cook Road
Deerfield IL 60015
(847) 948-8500

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: None

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: January 2000

The full text of the Proposed Amendments begins on the following page:

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSION

PART 2764

DAVID A. DEBOLT TEACHER SHORTAGE SCHOLARSHIP (DTSS) PROGRAM

Section	
2764.10	Summary and Purpose
2764.20	Applicant Eligibility
2764.30	Program Procedures
2764.40	Institutional Procedures

AUTHORITY: Implementing Section 65.55 of the Higher Education Student Assistance Act [110 ILCS 947/65.55] and authorized by Sections 20(f) and 65.55 of the Higher Education Student Assistance Act [110 ILCS 947/20(f) and 65.55].

SOURCE: Emergency rules adopted at 19 Ill. Reg. 976, effective February 1, 1995, for a maximum of 150 days; emergency expired on June 30, 1995; adopted at 19 Ill. Reg. 11367, effective August 1, 1995; amended at 20 Ill. Reg. 9141, effective July 1, 1996; Old Part repealed and New Part adopted at 21 Ill. Reg. 11029, effective July 18, 1997; amended at 22 Ill. Reg. 11043, effective July 1, 1998; amended at 24 Ill. Reg. _____, effective _____.

Section 2764.10 Summary and Purpose

- a) The David A. DeBolt Teacher Shortage Scholarship (DTSS) encourages academically talented students to pursue careers as public, private or parochial preschool, elementary and secondary school teachers in disciplines that have been designated as teacher shortage disciplines in the State of Illinois with a priority given to minority students.
- b) This Part establishes the rules which govern the DTSS Program. Additional rules and definitions are contained in General Provisions, 23 Ill. Adm. Code 2700.

(Source: Amended at 24 Ill. Reg. _____, effective _____.)

Section 2764.30 Program Procedures

- a) All applicants must complete and file the form which the U.S. Department of Education (ED) designates as an application for federal student financial aid for the purpose of determining the Expected Family Contribution (EFC) which is used as a selection criteria for this award. (See Section 483 of the Higher Education Act of 1965, as amended (20 USCA 878-6-A- 1070a).)
- b) A completed ISAC application for the David A. DeBolt Teacher Shortage

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Scholarship Program must be postmarked on or before March 1 received in--ISAC's--Deerfield--office--on--or--before--the--May--1 immediately preceding the academic year for which the scholarship is being requested, in order to receive priority consideration for an award.

- 1) ISAC applications are available from qualified institutions of higher learning, State legislative and Congressional offices, and ISAC's Springfield, Deerfield and Chicago offices.
- 2) ISAC will mail renewal ISAC applications to all qualified students who received DeBolt Teacher Shortage Scholarships during the preceding academic year.

- 3) If the student section of an ISAC application is incomplete, ISAC will notify the applicant. The applicant will then have an opportunity to furnish the missing information; however, the application will be considered for processing as of the date when the application is complete and received at ISAC's Deerfield office.

- c) ISAC shall select the recipients from among qualified applicants who filed timely applications based on a combination of the following criteria:

- 1) cumulative grade point averages, prioritized from the highest to the lowest. All grade point averages will be converted to a four-point scale;
- 2) Expected Family Contribution (EFC), from the lowest to the highest;

- 3) minority students shall receive priority consideration; and

- 4) recipients of assistance under DTSS during the previous academic year renewal---applicants shall receive first priority consideration provided the student:

- A) continues to maintain a cumulative grade point average of no less than 2.5 on a 4.0 scale;

- B) maintains his or her status as a qualified applicant, as outlined in Section 2764.20(a) of this Part, Applicant Eligibility;

- C) maintains satisfactory academic progress as determined by the institution; and

- D) has submitted an application on a timely basis.

- d) If all other criteria are equal, priority consideration will be given to the qualified applicant who submitted his or her completed application to ISAC on the earliest date.

- e) A recipient may receive up to 8 semesters/12 quarters of scholarship assistance under this program.

- f) Scholarship funds are applicable toward two semesters/three quarters of half-time and full-time study within an academic year.

- g) The total number of scholarships awarded in a given fiscal year is contingent upon available funding.

- h) To the extent necessary to administer this program within the limits of the State appropriation, the Commission may adjust the priority consideration factors established by this Section.

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- i) ISAC shall publish guidelines for the awarding of DeBolt Teacher Shortage Scholarships.

- j) Notice of eligibility shall be sent by ISAC to each qualified applicant who is selected to receive a DTSS. A notice will be sent by ISAC to each qualified applicant who is not selected to receive a DTSS.

- k) Prior to receiving scholarship assistance for any academic year, the qualified applicant must sign a Teaching Agreement/Promissory Note that is submitted to ISAC. The Teaching Agreement/Promissory Note shall include the following stipulations:

- 1) the recipient pledges to teach, on a full-time basis, in a the teacher shortage discipline for which the recipient applied one year for each year of scholarship aid received or for any portion of a year for which aid was received, under this Part;

- 2) the teaching requirement will be fulfilled within the five-year period following completion of the postsecondary education degree or certificate program for which the scholarship was awarded;

- 3) the teaching requirement will be fulfilled at an Illinois public, private or parochial preschool, elementary or secondary school;

- 4) if the teaching requirement is not fulfilled, the scholarship converts to a loan and the recipient must repay the entire amount of the scholarship(s) prorated according to the fraction of the teaching obligation not completed, plus interest at a rate no greater than the highest rate applicable to new student loans made under FFELP and, if applicable, reasonable collection fees;

- 5) the recipient agrees to provide ISAC with evidence of compliance with program requirements (e.g., responses to annual follow-up questionnaires, etc.); and

- 6) the recipients promises to use the proceeds of the scholarship for educational expenses.

- 1) The five-year time period during which the teaching requirement must be fulfilled may be extended if the recipient:

- 1) serves, for not more than three years, as a member of the United States Armed Forces; or

- 2) is enrolled full-time in a graduate course of study related to the field of teaching at an institution of higher learning; or

- 3) is temporarily totally disabled, for not more than three years, as established by the sworn affidavit of a qualified physician; or

- 4) is actively seeking but unable to find full-time employment as a teacher at a school that satisfies the criteria set forth in subsection (k)(3) of this section for one continuous period an Illinois public preschool, elementary or secondary school, for a single period not to exceed two years, and is able to provide evidence of that fact; or

- 5) is taking additional courses, on at least a half-time basis, needed to gain ISBE approval to teach in a specialized teacher shortage discipline.

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m) If a recipient is required to repay any portion of the scholarship, the repayment period shall be completed within ten years after the scholarship converts to a loan. This ten-year period may be extended if the recipient:

- 1) serves, for not more than three years, as a member of the United States Armed Forces; or
 - 2) is temporarily disabled, for not more than three years, as established by the sworn affidavit of a licensed physician; or
 - 3) is pursuing a graduate course of study and is enrolled on a full-time basis for one continuous period of time not to exceed three years; or
 - 4) is seeking and unable to find full-time employment for one continuous period not to exceed two years and is able to provide evidence of that fact; or
 - 5) withdraws from a course of study leading to certification/approval in a teacher shortage discipline, but is enrolled at least half-time as an undergraduate for one continuous period of time not to exceed three years.
- n) During the time a recipient qualifies for any of the extensions listed in subsection (m) of this Section, s/he shall not be required to make payments and interest shall not accrue.
- o) A recipient shall enter repayment status on the earliest of the following dates:

- 1) the first day of the first calendar month after the recipient has ceased to pursue a course of study leading to certification as a teacher in a designated teacher shortage discipline, but not until six months have elapsed after the cessation of at least half-time enrollment in such a course of study;
- 2) the date the recipient informs ISAC that s/he does not plan to fulfill the teaching obligation; or
- 3) the latest date upon which the recipient must have begun teaching in order to complete the teaching obligation within five years after completing the postsecondary education for which the scholarship was awarded.

p) A recipient shall not be required to repay the amount of the scholarship(s) received if s/he becomes permanently totally disabled, as established by the sworn affidavit of a licensed physician (see, e.g., 34 CFR 653.42(k)(1)), or if his or her representative provides ISAC with a death certificate or other evidence that the recipient has died.

q) Renewal recipients may receive a subsequent award even if their discipline is no longer on the approved list of teacher shortage disciplines.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

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1) Heading of the Part: Federal Family Education Loan Program (FFELP)

2) Code Citation: 23 Ill. Adm. Code 2720

Section Numbers:	Proposed Action:
2720.5	Amendment
2720.25	Amendment
2720.35	Amendment
2720.40	Amendment
2720.42	Amendment
2720.50	Amendment
2720.60	Amendment
2720.70	Amendment
2720.80	Amendment
2720.105	Amendment
2720.120	Amendment
2720.130	Amendment
2720.200	Amendment
2720.210	Amendment
2720.220	Amendment

4) Statutory Authority: Implementing Sections 80 through 175 of the Higher Education Student Assistance Act [110 ILCS 947/80 through 175]; Title IV, Part B, of the Higher Education Act of 1965, as amended (20 USCA 1071 et seq.); and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/20(f)].

5) A Complete Description of the Subjects and Issues Involved: ISAC annually reviews its rules in order to respond to market changes and client suggestions, to implement State and federal statutory amendments, to codify improvements due to technological advances, and to clarify issues that have arisen during the previous year. We also are continuing an initiative to increase the level of standardization in procedures, format and terminology throughout our programmatic rules, in order to make them easier for our clients to use. In addition to making minor technical and grammatical changes throughout this Part, ISAC proposes the following substantive amendments:

A minor change has been made to Section 2720.35(a), under Holder Eligibility, to conform the wording in this Section to that used in Section 2720.20(a)(1), under Lender Eligibility. Several changes have been made to language in Section 2720.40, procedures for Obtaining a Guaranteed Loan, to make it more flexible as student loan delivery methods evolve utilizing new technology. References now refer to the type of information or document collected, rather than utilizing names of specific forms, which are subject to change. A similar change is made in Section 2720.42, One-Holder Requirement. A federal regulatory cite in Section 2720.50, Procedures for Disbursement and Repayment, has been corrected,

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and a minor clarification inserted in Section 2720.50(e)(1). In Section 2720.60, Default Aversion Assistance, the specific data elements required to be filed have been deleted, since these are no longer unique to ISAC, but rather are now contained in industry-wide common claim forms.

A clarification has been added to Section 2720.70(c), under Reimbursement Procedures, to deal with a specific type of bankruptcy notice under which a different time frame applies. Section 2720.80, Student Guarantee Fee, has been amended to clarify that guarantors are not required to charge the maximum allowable guarantee fee on loans, and that ISAC may, from time to time, by action of the Commission, benefit borrowers either by charging a lesser rate, or by waiving the fee entirely. ISAC is not currently charging this fee to students. References to the name of the Federal Student Loan Reserve Fund in Section 2720.80(b) and (d) have been updated to reflect the fund's new name and permitted uses.

Subpart B, Illinois Designated Account Purchase Program (IDAPP), has been substantially revised to reflect current practice. In recent years, this program has evolved into a full-service secondary market for educational loans, and Sections 2720.105, 2720.120 and 2720.130 have been updated to more accurately reflect its current product and service offerings.

6) Will these proposed amendments replace an emergency rule currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed amendments contain incorporations by reference? No

9) Are there any other amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)] and does not necessitate a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to comment on this proposed rulemaking may submit written comments no later than 45 days after the publication of this notice to:

Thomas A. Breyer
Deputy Program Officer
Illinois Student Assistance Commission
1755 Lake Cook Road
Deerfield IL 60015
(847) 948-8500

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12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations: None

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: January 2000

The full text of the Proposed Amendments begins on the following page:

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSION

PART 2720

FEDERAL FAMILY EDUCATION LOAN PROGRAM
(FFELP)

SUBPART A: FEDERAL LOAN PROGRAMS:

THE FEDERAL STAFFORD LOAN PROGRAM, FEDERAL PLUS PROGRAM, FEDERAL SUPPLEMENTAL LOANS FOR STUDENTS (SLS) PROGRAM, AND FEDERAL CONSOLIDATION LOAN PROGRAM

Section	Summary and Purpose
2720.5	Definitions (Repealed)
2720.6	Eligibility for ISAC Loan Guarantees
2720.10	Lender Eligibility
2720.20	Educational Lender Eligibility
2720.25	Institutional Eligibility
2720.30	Holder Eligibility
2720.35	Procedures for Obtaining a Guaranteed Loan
2720.40	One-Lender Requirement
2720.41	One-Holder Requirement
2720.42	Procedures for Disbursement and Repayment
2720.50	Federal Consolidation Loan Program
2720.55	Default Aversion Assistance
2720.60	Reimbursement Procedures
2720.70	Student Guarantee Fee
2720.80	Guarantee Transfers
2720.90	

SUBPART B: ILLINOIS DESIGNATED ACCOUNT PURCHASE PROGRAM (IDAPP)

Section	Summary and Purpose
2720.105	IDAPP Eligible Loans
2720.120	IDAPP Eligible Lenders
2720.130	

SUBPART C: ISAC ORIGINATED LOANS

Section	Summary and Purpose
2720.200	ISAC Originated Consolidation Loans
2720.210	Illinois Opportunity Loan Program (IOP)
2720.220	Federal Family Education Loan Program (FFELP) Loans

APPENDIX A Required Activities of Educational Lenders (Repealed)

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AUTHORITY: Implementing Sections 80 through 175 of the Higher Education Student Assistance Act [110 ILCS 947/80 through 175]; Title IV, Part B, of the Higher Education Act of 1965, as amended (20 USCA 1071 et seq.); and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/20(f)].

SOURCE: Adopted at 3 Ill. Reg. 4, p. 38, effective January 26, 1979; amended at 5 Ill. Reg. 8698, effective August 17, 1981; emergency rule and emergency repealer at 6 Ill. Reg. 7538, 7573, effective June 9, 1982, for a maximum of 150 days; new rules adopted at 6 Ill. Reg. 13799, effective October 25, 1982; old rules repealed at 6 Ill. Reg. 15254, effective December 3, 1982; emergency amendment at 7 Ill. Reg. 9942, effective August 8, 1983, for a maximum of 150 days; codified at 7 Ill. Reg. 13309; amended at 8 Ill. Reg. 876, effective January 9, 1984; amended at 8 Ill. Reg. 7286, effective May 18, 1984; amended at 8 Ill. Reg. 17006, effective September 5, 1984; amended at 9 Ill. Reg. 20796, effective January 1, 1986; amended at 11 Ill. Reg. 3181, effective January 29, 1987; emergency amendment at 11 Ill. Reg. 13669, effective August 5, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 14103, effective August 10, 1987; emergency amendment at 11 Ill. Reg. 18370, effective October 23, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20989, effective January 1, 1988; amended at 12 Ill. Reg. 6971, effective April 1, 1988; amended at 12 Ill. Reg. 11520, effective July 1, 1988; emergency amendment at 12 Ill. Reg. 15221, effective September 15, 1988, for a maximum of 150 days; emergency expired February 12, 1989; amended at 13 Ill. Reg. 2872, effective February 16, 1989; amended at 13 Ill. Reg. 8630, effective July 1, 1989; transferred from Chapter IX, 23 Ill. Adm. Code 1720 (State Scholarship Commission) to Chapter XIX, 23 Ill. Adm. Code 2720 (Illinois Student Assistance Commission) pursuant to P.A. 86-168, effective July 1, 1989, at 13 Ill. Reg. 17855; emergency amendment at 14 Ill. Reg. 4266, effective March 1, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 10553, effective July 1, 1990; amended at 14 Ill. Reg. 10941, effective July 1, 1990; emergency amendments at 15 Ill. Reg. 18769, effective January 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 4060, effective February 28, 1992; amended at 16 Ill. Reg. 11224, effective July 1, 1992; emergency amendment at 17 Ill. Reg. 2055, effective February 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 10506, effective July 1, 1993; amended at 18 Ill. Reg. 10254, effective July 1, 1994; emergency amendment at 18 Ill. Reg. 15636, effective October 15, 1994, for a maximum of 150 days; emergency expired March 13, 1995; amended at 19 Ill. Reg. 6215, effective April 15, 1995; amended at 19 Ill. Reg. 8320, effective July 1, 1995; amended at 20 Ill. Reg. 9147, effective July 1, 1996; amended at 21 Ill. Reg. 11038, effective July 18, 1997; amended at 22 Ill. Reg. 11051, effective July 1, 1998; amended at 23 Ill. Reg. 7537, effective July 1, 1999; amended at 24 Ill. Reg. _____, effective _____.

SUBPART A: FEDERAL LOAN PROGRAMS:

THE FEDERAL STAFFORD LOAN PROGRAM, FEDERAL

PLUS PROGRAM, FEDERAL SUPPLEMENTAL LOANS FOR STUDENTS (SLS) PROGRAM,

AND FEDERAL CONSOLIDATION LOAN PROGRAM

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Section 2720.5 Summary and Purpose

- a) The Federal Family Education Loan Program (FFELP) is authorized by Title IV, Part B, of the Higher Education Act of 1965, as amended (20 USCA §-8-e-A- 1071 et seq.), and is administered by the United States Department of Education (ED), guaranty agencies, educational institutions and lenders.
- b) This Part establishes rules which govern ISAC-guaranteed loan programs. Additional rules and definitions are contained in General Provisions, 23 Ill. Adm. Code 2700.
- c) Federal regulations govern the responsibilities of the Illinois Student Assistance Commission (ISAC), educational institutions and lenders. This Subpart implements ISAC's discretionary authority as a guaranty agency.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 2720.25 Educational Lender Eligibility

- a) Educational lenders must meet the eligibility requirements of institutions as outlined in Section 2720.30, Institutional Eligibility, and must meet the eligibility requirements established for lenders as outlined in Section 2720.20, Lender Eligibility. Also, educational lenders must comply with all federal regulations related to the origination, disbursement and servicing of a loan. (See, e.g., 34 CFR 682.601.)
- b) Illinois institutions may be approved as lenders by the Commission if approved by ED and if the following requirements are met.

- 1) The specific materials to be provided by an institution in seeking approval as an eligible lender are:

- A) An audited, certified and preferably unqualified annual financial statement prepared by a firm of certified public accountants (CPA). The statement must cover a period of no less than 12 months and be no more than 12 months old at the time of submission. The CPA firm must express an acceptable opinion on the statement, and the statement shall consist of no less than a balance sheet, a statement of profit and loss, and all attendant notes thereto;
- B) An institutional catalog, and a statement of the institution's educational costs and refund policies;
- C) A statement of the institution's default/delinquency experience as a lender in the Federal Perkins Loan Program, FFELP, and/or Federal Insured Student Loan (FISL) Program (20 USCA §-8-e-A- 1071 et seq.) and a release to permit ISAC to solicit further data from ED or the institution's service agency, if any, with respect to such records;
- D) A statement which demonstrates the institution's

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- administrative ability to comply with all servicing requirements of the program;
- E) Bank and other credit references and a release to permit ISAC to inquire of these references;
 - F) A statement explaining the source of the institution's lending capital;
 - G) A statement providing the amount of lending authority sought for the applicable fiscal year and an estimate of the lending volume expected in each of the two succeeding fiscal years; and
 - H) Any other materials which might be requested by ISAC to show the institution's potential qualifications as a lender.
- 2) In addition to the above materials, a school which is organized on a for-profit basis will be requested to submit a:
- A) copy of its student contract;
 - B) description of its admission/sales staff and their functions;
 - C) statement of the institution's drop-out/completion rates;
 - D) sample of the institution's advertising materials; and
 - E) description or copies of student complaints filed with the institution in the last two years. In addition to these materials, ISAC will secure a Dun and Bradstreet Report on the institution, a statement from the Better Business Bureau with regard to any consumer complaints, and a statement from the institution's accrediting association.
- 3) The applications for eligible educational lender status in the programs and the supporting documentation shall be reviewed by ISAC. ISAC staff shall inform the applicant institution of its proposed recommendations to the Commission prior to the meeting at which action on the application will be taken. The applicant institution shall also be informed of the recommendation for its annual lending limit, as well as any additions to the lender agreement which ISAC feels are prudent in individual instances to protect the default record of ISAC. The institution shall also be informed that if it is not in agreement with any ISAC staff recommendations, it is entitled to representation at the Commission meeting and will be allowed to state its objections. If the institution is approved by the Commission as an educational lender, it will execute an Educational Lender Agreement which will include:
- A) the institution's agreement to comply with statutes, federal regulations and State rules;
 - B) a statement of agreement including, or referring to, the list of required activities of educational lenders as outlined in 34 CFR 682.601;
 - C) a statement of agreement including, or referring to, the federal regulations with respect to loan disbursements and refund application;

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- D) a statement of agreement including, or referring to, the federal regulations definition of "due diligence"; and
- E) an expiration date of such lending contract which shall not be later than the end of the first full fiscal year following the negotiation of the contract, at which time its renewal shall be considered by ISAC.
- c) A loan guarantee shall be canceled if the educational lender fails to comply with federal regulations, statutes, ISAC rules or procedures, provided such failure impairs ISAC's ability to recover the expense of reimbursing the educational lender for the defaulted loan.
- d) ISAC conducts compliance reviews to determine if approved educational lenders are complying with federal regulations, statutes and rules.
- e) Educational lenders that do not maintain the standards of administrative capability or financial responsibility demonstrated in their original applications for participation, or required by federal regulations, may be subject to administrative limitation, suspension or termination proceedings. (See 23 Ill. Adm. Code 2790.)

(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 2720.35 Holder Eligibility

- a) All approved holders must execute an ISAC Holder Agreement prior to participating in the ~~Federal Family Education Loan Program through ISAC subsidized~~ and ~~unsubsidized~~ ~~Federal~~ ~~Stafford~~ ~~Federal~~ ~~FFELP~~ ~~Federal-SES~~ or ~~Federal-Consolidation-Loan-Programs~~.
- b) Holders must have received ED approval prior to executing a Holder Agreement.
- c) The Holder Agreement shall include provisions requiring holders to:
- 1) comply with statutes, federal regulations and State rules; and
 - 2) provide such information as ISAC may request relating to borrower demographics, collection records and other documents ISAC may need to comply with federal regulations. (See Sections 2720.60(a) and 2720.70(c).)
- d) Holders and ISAC shall electronically transmit and receive loan guarantee data. ISAC shall provide the holder with program documentation and reasonable technical assistance related to electronic data exchanges. ISAC and the holder shall agree that the information and data shall be confidential and shall not be used, disclosed, sold or shared for any purpose other than that which is directly related to the administration of ISAC's guaranteed loan programs.
- e) Termination of the Holder Agreement may be made by either the holder or ISAC with 30 days' advance written notice. Termination shall not affect any obligations incurred prior to the time such termination becomes effective.
- f) Eligible holders shall employ an adequate number of qualified persons

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to administer the holders' responsibilities under ISAC's rules and federal regulations. In determining whether a holder employs an adequate number of qualified persons, ISAC considers the number of students aided, the number of applications evaluated and the amount of funds administered.

- g) In addition to the provisions of subsection (c), the Holder Agreement for insurance companies approved as holders shall require:

- 1) advertising and promotional materials consistent with Section 149 of the Illinois Insurance Code [215 ILCS 5/149] and 50 Ill. Adm. Code 909; and
 - 2) compliance with Article XXVI of the Illinois Insurance Code [215 ILCS 5/Art. XXVI].
- h) A loan guarantee shall be canceled if the holder fails to comply with statutes, federal regulations and State rules, provided such failure impairs ISAC's ability to recover the expense of reimbursing the holder for the defaulted loan.

- i) ISAC conducts compliance reviews to determine if approved holders are complying with federal regulations, statutes and rules.

- j) Holders wishing to participate in ISAC-guaranteed loan programs shall submit an application which shall include, but not be limited to: servicing/secondary market agreements; previous compliance and audit reviews conducted by other guarantors and ED; documentation relating to the percentage of student loans as compared to other installment loan portfolios; default rates; policy and procedures manuals; promotional materials; a statement relating to previous and anticipated loan volume; and other similar information relating to student loans requested by ISAC to show the holders' qualifications for participation. Program participation will be determined by an examination of those materials and compliance with federal laws and regulations and State rules and statutes.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 2720.40 Procedures for Obtaining a Guaranteed Loan

- a) Borrowers who are eligible for a loan guarantee in accordance with Section 2720.10 are issued a notice of guarantee/disclosure statement. All promissory notes must be in a form approved by ED. No alteration or substitution may be used.
- b) All loans are made at the lender's discretion. When a lender rejects a borrower's request for a FFELP loan application/promissory note, the lender shall issue a notice of non-acceptance to the borrower.
- c) Lender-of-last-resort requirements:
- 1) An applicant who is eligible for a Federal subsidized or unsubsidized Stafford Loan guarantee pursuant to Section 2720.10 of this Part and who has received two denials from can request that ISAC make a referral to a lender-of-last-resort provided

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the applicant:

A) submits a written request for a lender-of-last-resort loan referral to ISAC, which is accompanied by two denials from ISAC-approved lenders;

B) receives loan counseling information specifically designed to benefit an applicant seeking a lender-of-last-resort loan; and

C) attends an ISAC-approved institution.

2) ISAC, within 60 days, will refer applicants to lenders-of-last-resort or will advise them that they do not meet the eligibility requirements of Section 2720.10 of this Part.

3) ISAC will act as a lender-of-last-resort or will refer the applicant to the Student Loan Marketing Association if it cannot refer the applicant to a lender-of-last-resort willing to make a subsidized or unsubsidized Stafford Loan within 60 days.

d) The availability of an ISAC-guaranteed loan shall not be conditioned upon the purchase of credit life, life, accident, health or other forms of insurance.

e) The ~~application~~/ promissory note must be signed in ink. Signature stamps shall not be used by the borrower.

f) At the lender's discretion and in accordance with federal regulations, endorsers may be used for Federal PLUS Loans.

g) Lenders shall obtain the names and addresses of at least two references from each loan applicant. Lenders shall submit the reference data to ISAC when requesting ISAC reimbursement pursuant to Section 2720.70.

h) When certifying a borrower eligible for a loan guarantee, the institution shall provide ISAC a loan disbursement schedule consistent with Section 428G of the Higher Education Act of 1965, as amended (20 USCA 8-8-6-A- 1078-7). Should the institution fail to provide ISAC a disbursement schedule that is consistent with federal law, ISAC shall assign the loan a disbursement schedule that is consistent with Section 428G of the Higher Education Act of 1965, as amended.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 2720.42 One-Holder Requirement

a) All of a borrower's outstanding ISAC-guaranteed loans must be sold by a lender to the same holder.

1) If the lender has sold any of a borrower's previous ISAC-guaranteed subsidized or unsubsidized Federal Stafford Loan(s) or Federal SLS Loan(s) to an approved holder, the lender shall sell all subsequent loans to the same holder by no later than 90 days from the borrower's last date of attendance or 180 days following the last disbursement, whichever occurs later; or in the event of untimely notification to the lender of a

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student's change in enrollment status, no later than 45 days after the lender became aware that the student ceased to be enrolled on at least a half-time basis. (See Section 2720.130(d).)

2) Subsidized Federal Stafford Loans, unsubsidized Federal Stafford Loans and Federal SLS Loans which were made under the same promissory note ~~common-Application/Promissory-Note~~ for loan periods within the same academic year must be sold simultaneously.

3) If the lender has sold the applicant's previous ISAC-guaranteed Federal PLUS Loans to an approved holder, the lender shall sell each subsequent Federal PLUS Loan for that borrower to the same holder by no later than 90 days from the last date of attendance or 180 days following the last disbursement, whichever occurs later; or in the case of a late disbursement, the subsequent loan must be sold within 45 days following disbursement.

4) Upon notification by the holder of the oldest previous loan, the holder of any subsequent loan must sell that loan to the previous holder, unless the borrower requests in writing that the previous holder sell to the subsequent holder.

b) Failure to sell the subsequent loan by the deadline shall result in the loss of guarantee.

1) A guarantee may be reinstated if, within 90 days after identifying a loan in violation of subsection (a)(1), (a)(2), (a)(3) or (a)(4) above, the holder or lender initiates the sale of the loan to the eligible holder who purchased the applicant's previous loan(s).

2) Initiation of the sale procedure within 90 days, and conclusion of the sale before the day the loan enters default status, will retroactively reinstate the guarantee to the day the guarantee was lost due to a violation of subsection (a)(1), (a)(2), (a)(3) or (a)(4) above, provided no other violation of federal regulation or State rule exists.

3) Failure to initiate the sale of the loan within 90 days after identifying the violation will result in a permanent loss of guarantee for that loan. Failure to ultimately sell the loan to the holder will also result in a permanent loss of guarantee for that loan.

c) The requirements of this Section shall not apply if:

1) the outstanding loans are held by a holder which has been either declared insolvent by a regulatory agency, has terminated its agreement with ISAC or has withdrawn from participation in FFELP. ISAC is informed that the borrower has provided authorization to have subsequent loans held by a different holder.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

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Section 2720.50 Procedures for Disbursement and Repayment

- a) Disbursement and repayment procedures are specified in federal regulations.
- b) Prior to disbursement, the borrower shall execute a common ED-approved promissory note for the principal and interest on the loan. The lender shall retain the original copy of the promissory note.
- c) The lender shall transmit to ED any and all statements and reports necessary to obtain federal interest payments on the borrower's behalf. The lender shall not collect or attempt to collect from the borrower or ISAC any portion of the interest on the loan which is payable by ED.
- d) Except for loans pursuant to Section 2720.55, the lender shall not disburse the proceeds of any loan on the borrower's behalf unless and until the lender shall have received from ISAC evidence of a guarantee. The lender shall inform ISAC of all disbursement dates.
- e) Federal Stafford and Federal PLUS Loan proceeds shall be transmitted directly to the institution.
 - 1) Federal Stafford Loan checks shall be payable to the student borrower unless the institution requires all Stafford loan checks to be co-payable to the borrower and the institution. Federal PLUS Loan checks shall be co-payable or sent via EFT to the institution and the parent borrower. Federal Stafford or Federal PLUS Loan funds disbursed either via EFT or by Master Check to the institution shall include information identifying the names, Social Security Numbers and the loan amounts of the borrowers who are receiving a portion of the disbursement, and the names and the Social Security Numbers of the students on whose behalf the parents are borrowing.

- 2) Loan proceeds must be disbursed to the institution and delivered to the borrower no later than 90 days after the end of the loan period or 90 days after the date on which the student ceased to be enrolled at least half-time, whichever is earlier. If the loan proceeds are not delivered pursuant to this subsection, the school must request that the loan be canceled and must return any loan proceeds.

- 3) If the student has withdrawn from enrollment and federal regulations require the institution to submit a refund to the lender, either electronically or in the form of a check payable to the lender on behalf of the borrower, the institution shall provide simultaneous written notice to the borrower of the refund.

- A) If the institution fails to issue a timely refund, as defined by federal regulations (see 34 CFR 682.607(c) 682-689), the institution shall pay penalty interest.
- B) The penalty interest shall equal the total amount of interest and special allowance generated by the principal value of the refund amount. The penalty interest shall be

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computed from the date the refund was due until the date the refund was issued.

- C) The penalty interest shall be paid to the lender or subsequent holder.
- f) The borrower(s) shall have the right to prepay without penalty the whole or any part of a loan guaranteed hereunder.
- g) The lender or holder shall notify the borrower of the repayment options available, as specified in 34 CFR 682.209. The lender or holder shall send a repayment schedule to a FFELP borrower no less than 30 days nor more than 240 days before the first payment on the loan is due from the borrower.
- h) The lender or holder shall notify ISAC of payment in full or prepayment in full by the borrower.
- i) In accordance with federal regulations, the lender or holder may extend the maturity date of any note.
- j) Lenders or holders may exercise administrative forbearances, which do not require the agreement of the borrower, as authorized by Section 428(c)(3)(C) of the Higher Education Act of 1965, as amended, and by federal regulations.
- k) Borrowers are entitled to deferments, which extend the maturity date of any note(s), under conditions established by federal regulations.
- l) ISAC provides lenders or holders with the forms necessary for servicing their guaranteed loan portfolio (e.g., deferment forms, forbearance forms). Lenders and holders may use non-ISAC forms provided the alternative form meets the requirements of federal regulations and is compatible with ISAC's data processing requirements.
- m) No note shall be sold or transferred by the lender except to an ISAC-approved lender, an ISAC-approved holder, or ISAC.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 2720.60 Default Aversion Assistance

- a) ISAC functions in a supplementary role to assist the lender or holder in its collection of a loan that is at least 60 days delinquent. After requesting default aversion assistance, the lender or holder shall continue with normal collection activity. The following information---is---requested---with---the---request---for---assistance---if available:
 - 1) name-and---Social-Security-Number---(SSN)---
 - 2) employer's name-and-telephone-number---
 - 3) home-address-and-telephone-number---
 - 4) identification-of-the-problem---
 - 5) date-and-amount-of-each-payment---
 - 6) loan-amounts---and
 - 7) number-of-days-delinquent---

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- b) The request for default aversion assistance must be sent to ISAC in accordance with the time frames specified in federal regulations and the Higher Education Act of 1965, as amended.
- c) For 10 or more accounts submitted in one month, the default aversion assistance request and subsequent default aversion transactions must be submitted electronically, in a format approved by ISAC, from which collection action can begin or cease immediately.
- d) If a borrower's address is unknown, the lender shall attempt to locate the borrower pursuant to federal regulations. (See CFR 682.411.) The lender may file for default aversion or skip-tracing assistance when it has completed its skip-tracing efforts. If it has not already done so, the lender shall file for assistance in accordance with the time frames specified in federal regulations and the Higher Education Act of 1965, as amended.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 2720.70 Reimbursement Procedures

- a) The lender or holder shall request reimbursement from ISAC within 60 days from the date the lender or holder receives a completed request for loan cancellation or forgiveness due to death, total and permanent disability, attendance at a school that closes, or false certification by a school of a borrower's eligibility for a loan, in accordance with federal regulations and the Higher Education Act of 1965, as amended. (See, e.g., 34 CFR 682.502.)
- b) Requests for default reimbursement must be submitted to ISAC within the time frames specified in, and the lender or holder shall be reimbursed in accordance with, federal regulations and the Higher Education Act of 1965, as amended. In the case of a default on a Federal PLUS Loan, the borrower, co-maker and endorser must meet the default criteria contained in federal regulations.
- c) The lender or holder must request ISAC reimbursement for a bankruptcy claim in accordance with federal regulations and the Higher Education Act of 1965, as amended. (See, e.g., 34 CFR 682.402.) The request for reimbursement must be submitted within 30 days after the lender's or holder's receipt of notice that collection on the debt is stayed, or 15 days upon notice of an adversary proceeding for undue hardship. A copy of the restraining order and the appropriate papers must be included. In the case of a bankruptcy involving a Federal PLUS Loan, the borrower, co-maker and endorser must meet the bankruptcy criteria contained in federal regulations.
- d) Prior to reimbursement, the lender or holder must certify compliance with federal due diligence requirements and subsection (h) of this Section.
- e) Prior to reimbursement, the lender or holder must have remitted the guarantee fee established by Section 2720.80.

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- f) The lender or holder shall forward to ISAC any payments made by or on behalf of the borrower after default reimbursement and shall advise ISAC of any subsequent information received concerning the borrower. Prior to reimbursement, all original notes or certified, true and exact copies of original notes must be properly endorsed and submitted to ISAC. If the notes have been lost or erroneously stamped "Paid in Full," the lender or holder shall execute a Hold Harmless Agreement with ISAC.
- g) No fee or charge to the borrower, other than the maximum interest rate prescribed by ED and the collection charges outlined in federal regulations (see 34 CFR 682.202(f) and (g)), including the student guarantee fee, and the federal loan origination fee, shall be contracted for or received by the lender.
- h) The lender or holder shall make a proper collection effort in accordance with acceptable practices of prudent lending institutions including, but not limited to, the collection activities required by federal regulations. (See, e.g., 34 CFR 682.402, 682.411 and 682.412.)
- i) ISAC shall collect the outstanding amount on the reimbursed guaranteed loan. If the borrower refuses to retire the debt, ISAC shall follow the requirements of federal regulations. (See 34 CFR 682.410.)
- j) Should a borrower refuse to retire the debt, ISAC shall direct the State Comptroller to offset any payment from the State Treasurer to the borrower. The funds offset shall be remitted to ISAC and credited against the debt.
- 1) All offsets shall be processed in accordance with 74 Ill. Adm. Code 285.
- 2) ISAC shall not direct an offset if the borrower has maintained a satisfactory repayment record. (See 23 Ill. Adm. Code 2700.40(a)(1).)
- 3) ISAC shall notify a borrower of the possibility of an offset no less than 15 days prior to the first offset. ISAC may provide additional notice of subsequent offsets for the same debt. Should the borrower dispute the debt, an appeal must be filed within 15 days after including the date of the notice. Appeals will be processed in accordance with 23 Ill. Adm. Code 2700.70. If the requested relief is granted, the funds offset shall be returned to the borrower.
- 4) Funds eligible to be offset include, but are not limited to, State income tax refunds and the wages of State employees.
- k) ISAC shall provide a borrower with an opportunity for an administrative review of the legal enforceability or past-due status of the loan obligation after it pays a default claim but before it reports the default to a credit bureau or assesses collection costs against the borrower, in accordance with federal regulations (34 CFR 682.410(b)(5)(ii)(c)).
- l) ISAC may garnish the disposable pay of a borrower if the individual is not currently making required payments, in accordance with Section

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488A of the Higher Education Act, as amended.

- m) ISAC requires the lender or holder to submit a request for an increase in claim payment within 90 days after receiving the claim payment. ISAC will provide the lender or holder with a determination on the increase in claim payment within 90 days after receiving the request and supporting documentation.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 2720.80 Student Guarantee Fee

- a) ISAC may charge charges each borrower a guarantee fee on each guaranteed loan. The fee(s) collected by the lender must be remitted to ISAC no less frequently than monthly.

- b) The amount of the guarantee fee collected on each loan shall be no greater than the maximum permitted by the Higher Education Act, as amended. The exact amount of the fee shall be computed by ISAC and disclosed to the borrower on the notice of guarantee/disclosure statement. The rate of the fee shall be determined by resolution of the Commission. When establishing the rate of the fee, the factors to be considered by the Commission include: the solvency of the Federal Student Loan Reserve Revolving Fund, projected application volume and the timeliness of payments from ED pursuant to the Higher Education Act of 1965, as amended (20 USCA 1071 et seq.).

- c) Refunds of guarantee fees shall be made to the borrower in accordance with federal regulations. (See 34 CFR 682.401(b)(10)(vi).)

- d) The guarantee fees shall be deposited in the Federal Student Loan Reserve Fund. In accordance with federal regulations, such proceeds may only be used to reimburse lenders for defaulted guaranteed loans to pay the administrative expenses of ISAC or to pay the reinsurance fee assessed by ED.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

SUBPART B: ILLINOIS DESIGNATED ACCOUNT PURCHASE PROGRAM (IDAPP)

Section 2720.105 Summary and Purpose

- a) The Commission provides a secondary market for ISAC Guaranteed Loans through the Illinois Designated Account Purchase Program (IDAPP). ISAC's secondary market reduces the administrative expenses of lenders and increases the availability of education guaranteed loans.

- b) Through IDAPP, ISAC purchases and/or services eligible loans from IDAPP-eligible lenders. Sales to ISAC are conditional upon the execution of a contract between the eligible lender and ISAC and the eligible lender's good faith compliance with the contract.

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- c) Also through IDAPP, ISAC services eligible loans from IDAPP-eligible lenders. Services provided pursuant to this Subpart are conditional upon the execution of a contract between the eligible lender and ISAC and the eligible lender's good faith compliance with the contract.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 2720.120 IDAPP Eligible Loans

- a) Loans that are eligible for purchase and/or servicing by IDAPP: Original Contract Program

- 1) are not in default. Loans that are in default should be submitted for reimbursement in accordance with Section 2720.70. ISAC will purchase guaranteed loans which are no more than 90 days delinquent on installments of principal or interest and guaranteed loans for which the borrower has failed to meet other contractual obligations. Loans in default are not eligible for purchase and should be submitted for reimbursement in accordance with Section 2720.70.

- 2) are in compliance with federal regulations and ISAC rules up to the date of the sale. ISAC will decline to purchase any account if the lender cannot demonstrate the loan was originated and serviced in accordance with all program requirements. Under this program ISAC will also purchase guaranteed loans in deferred status because of the borrower's unemployment or which have been granted a forbearance by the lender.

- 3) have not been rejected for purchase by a different secondary market unless the account is current (not in delinquency status) and has an outstanding balance of at least \$3,500. All accounts submitted for purchase must have an annual cumulative average loan size of at least \$2,000.

- b) The loan must be in compliance with federal regulations and ISAC's rules up to the date of the sale. ISAC will decline to purchase any account if the lender cannot demonstrate the loan was originated and serviced in accordance with all program requirements.

- c) If a lender requests ISAC to purchase an account that was previously rejected for purchase by a different secondary market, ISAC will purchase the account only if the loan is current (not in delinquency status) and has an outstanding balance of at least \$3,500.

- d) In cases where a borrower's loan is held by ISAC and the borrower requests a renewal loan, and where such borrower has established a satisfactory relationship with ISAC, the original lender must agree to make the renewal loan to the borrower with the understanding that such loan will be purchased by ISAC to consolidate the student's indebtedness. (See Section 2720.42.)

- e) Default Prevention Program

- 1) In cases where a lender executes a contract authorizing

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participation--in--the--Default--Prevention--Program--ISAG--will purchase the additional types of guaranteed loans specified in subsection--(e)(2)--of--this--Section--All accounts submitted for purchase must have an annual cumulative average loan size of at least \$3,500.

2) ISAG--will--purchase--the--following--additional--types--of--guaranteed loans:

- A) all deferred loans;
- B) loans from borrowers who have moved;
- C) loans from borrowers who have failed--to--respond--to--the lender's written inquiry;
- B) loans from graduate student borrowers; and
- B) loans--that--do--not--fail--under--any--preceding--criteria classification.

b)f) Upon the sale or transfer of an account to ISAC, the lender shall report the transfer of ownership or servicing responsibility to the credit reporting agency utilized by the lender. The lender shall not put an adverse report on the borrower's credit rating.

c)g) ISAC may also purchase eligible loans as defined in Section 135 of the Higher Education Student Assistance Act [110 ILCS 947/135].

(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 2720.130 IDAPP Eligible Lenders

a) Prior to submitting accounts for purchase, the lender and ISAC must execute an IDAPP contract. The contract requires lenders to comply with statutes, federal regulations and State rules.

b) ISAC will purchase loans only from those lenders that have no inappropriate relationships with the institutions certifying the loans. An inappropriate relationship includes, but is not limited to, fiscal or loan service arrangements between commercial lenders and institutions which are not permitted by law or federal regulation (34 CFR 682.205) and/or is of such a special nature that all institutions or all lenders under similar circumstances do not receive similar terms, conditions or services from the lender.

c) If it appears that the lender has violated one or more of ISAC's rules in the handling of any account, and if such violation contributed to the delinquent status of the account, ISAC will decline to purchase the account.

d) The lender aware date of delinquency will be:

1) date lender received notice from the school; or borrower--or--ISAG that the borrower has a revised last date of attendance;

2) date the lender received returned mail from a borrower's address;

3) date information is received from the borrower's student's spouse or parent that repayment will not be forthcoming; or

4) maturity date of the note; the date of the deferment or the

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the payment was due but was not made.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

SUBPART C: ISAC ORIGINATED LOANS

Section 2720.200 ISAC Originated Consolidation Loans

a) ISAC shall serve as a direct lender of Federal Consolidation Loans in accordance with Section 2720.55, Federal Consolidation Loan Program.

b) A recipient of an ISAC-originated Federal Consolidation Loan must be an eligible borrower as established by Section 428C of the Higher Education Act of 1965, as amended. (See 20 USCA § 8-6-A- 1078-3.) Subject to the availability of funds, no eligible borrower shall be denied a Federal Consolidation Loan by ISAC.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 2720.210 Illinois Opportunity Loan Program

a) ISAC may serve as a direct lender of non-subsidized Federal Stafford Loans through the Illinois Opportunity Loan Program.

b) Each recipient of an Illinois Opportunity Loan must be an eligible borrower as established by Section 428 et seq. of the Higher Education Act of 1965, as amended. (See 20 USCA § 8-6-A- 1078 et seq.)

c) In addition to the eligibility criteria established by federal law for all Federal Stafford Loan borrowers, each recipient must satisfy the following requirements to receive an Illinois Opportunity Loan.

1) Each borrower must be a full-time student who is enrolled in a degree program. The borrower must be classified at an academic level of sophomore or above in the degree program. The institution shall verify the borrower's enrollment status prior to disbursement.

2) Each borrower must be a resident of Illinois. For purposes of this Part, an applicant for an Illinois Opportunity Loan is a resident of Illinois notwithstanding the applicant's temporary absence from the State in order to enroll at an out-of-state institution.

3) The Illinois Opportunity Loan Program shall have a minimum loan size of \$1000 per academic year.

4) No applicant may receive an Illinois Opportunity Loan if the total student assistance available to the borrower would exceed the borrower's cost of attendance. No applicant may receive an Illinois Opportunity Loan unless the institution's financial aid administrator determines the borrower needs an Illinois Opportunity Loan to finance his/her education. (See, e.g., Title

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IV, Part F of the Higher Education Act of 1965, as amended (20 USCA §-8-6-A-1087 kk et seq.).)

- d) The receipt of an Illinois Opportunity Loan by an eligible borrower is subject to the availability of lending capital. To the extent necessary to avoid an overcommitment of funds, ISAC may determine applicant eligibility on the basis of an application receipt date, the term of study for which the loan is being requested, or both.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 2720.220 Federal Family Education Loan Program (FFELP) Loans

- a) ISAC may serve as a direct lender of educational loans under FFELP.
 b) Each borrower must be an eligible borrower as established by the Higher Education Act of 1965, as amended (see 20 USCA §-8-6-A-1078 et seq.), and must meet the eligibility requirements set forth in Section 2720.10 of this Part, Eligibility for ISAC Loan Guarantees.
 c) The amounts, terms and conditions of loans made under this Section shall be in accordance with the provisions of the Higher Education Act of 1965, as amended (see 20 USCA §-8-6-A-1078 et seq.).
 d) Educational loans may be made to borrowers referred by lenders which have executed a Community Educational Loan Partnership agreement with ISAC.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: General Provisions

- 2) Code Citation: 23 Ill. Adm. Code 2700

- 3) Section Numbers:
 2700.20 Amendment
 2700.30 Amendment
 2700.40 Amendment
 2700.50 Amendment
 2700.55 Amendment
 2700.60 Amendment

- 4) Statutory Authority: Implementing the Higher Education Student Assistance Act [110 ILCS 947]; Title IV of the Higher Education Act of 1965, as amended (20 USCA 1070 et seq., as amended by P.L. 102-325); and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/20(f)].

- 5) A Complete Description of the Subjects and Issues Involved: ISAC annually reviews its rules in order to respond to market changes and client suggestions, to implement State and federal statutory amendments, to codify improvements due to technological advances, and to clarify issues that have arisen during the previous year. We also are continuing an initiative to increase the level of standardization in procedures, format and terminology throughout our programmatic rules, in order to make them easier for our clients to use. In addition to making minor technical and grammatical changes throughout this Part, ISAC proposes the following substantive amendments:

A number of changes are being proposed this year to reflect the increasing utilization of distance education. In Section 2700.20, Definitions, three new related definitions have been added: correspondence course, distance education, and telecommunications course. Minor changes have also been proposed to clarify existing definitions of consolidation and default status.

In Section 2700.30, General Institutional Eligibility Requirements, two changes have been made in an effort to reduce administrative burden for our school clients. In Section 2700.30(d), the requirement for schools to submit a copy of their satisfactory academic progress policy annually has been deleted, since that information is already routinely collected and reviewed in connection with ISAC's audit of each institution. In Section 2700.30(i)(6)(A), the requirement for the annual submission of three letters of transferability of credit by schools with provisional eligibility has been removed. These letters are still required as a condition of initial eligibility, but the incremental benefit to annual submission and review was not deemed as worth the effort involved.

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Section 2700.40(g) has been modified to reflect statutory changes contained in Public Act 91-250, which permit ISAC to make gift assistance awards to students enrolled during summer terms or those enrolled on a less-than-half time basis. In Section 2700.40(k), a new subsection has been added to reference more specifically the conditions under which students enrolled in distance education classes may be eligible for ISAC gift assistance benefits. These conditions mirror those established for federal Title IV student assistance programs. Subsection 2700.40(l) has merely been reworded to utilize language more similar to the preceding subsections.

Section 2700.50(g)(3) has been clarified to reflect the intent of ISAC that schools verify the Illinois residency of any student for whom they have conflicting information, not just those students who have been selected for verification. Also, a new Section 2700.50(k) has been added to clarify how enrollment status is to be measured for students in programs in which classes are taken sequentially rather than concurrently.

Section 2700.55, Electronic Data Exchanges, has been renamed Use, Security and Confidentiality of Data, and has been substantially rewritten. A number of changes were required due to the significant number of technological changes which have occurred since this Section was first written, as tape exchanges and teletransmission of data have largely given way to increasing use of the Internet. The previous language had become obsolete and was no longer an accurate representation of the ways in which we do business. Furthermore, ISAC wanted to clarify and stress that all data shared with clients is subject to strict privacy and security requirements, regardless of the physical manner in which it is obtained.

Section 2700.60(a) has been modified to clarify that the customary three year audit cycle (schedule permitting) applies to institutions participating in ISAC gift assistance programs. In addition, institutions with provisional eligibility will be audited on the same cycle. Annual audits of these institutions was deemed to be administratively burdensome, and not feasible given current staffing levels.

- 6) Will these proposed amendments replace an emergency rule currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporations by reference? No
- 9) Are there any other amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a state mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)] and does not necessitate a local

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government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.

- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to comment on this proposed rulemaking may submit written comments no later than 45 days after the publication of this notice to:

Thomas A. Breyer
Deputy Program Officer
Illinois Student Assistance Commission
1755 Lake Cook Road
Deerfield IL 60015
847/948-8500

- 12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profit corporations affected: None
- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: None

- 13) Regulatory Agenda on which this rulemaking was summarized: January 2000

The full text of the Proposed Amendments begins on the following page:

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TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSION

PART 2700

GENERAL PROVISIONS

Section	Summary and Purpose
2700.10	Definitions
2700.20	General Institutional Eligibility Requirements
2700.30	General Applicant Eligibility Requirements
2700.40	Determining Applicant Eligibility
2700.50	Use, Security and Confidentiality of <u>Biometric Data Exchanges</u>
2700.55	Audits and Investigations
2700.60	Appeal Procedures
2700.70	Contractual Agreement Requirements
2700.80	

AUTHORITY: Implementing the Higher Education Student Assistance Act [110 ILCS 947]; Title IV of the Higher Education Act of 1965, as amended (20 USCA 1070 et seq., as amended by P.L. 102-325); and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/20(f)].

SOURCE: Adopted at 9 Ill. Reg. 20783, effective January 1, 1986; amended at 11 Ill. Reg. 3167, effective January 29, 1987; amended at 11 Ill. Reg. 14099, effective August 10, 1987; amended at 12 Ill. Reg. 11510, effective July 1, 1988; amended at 13 Ill. Reg. 8626, effective July 1, 1989; transferred from Chapter IX, 23 Ill. Adm. Code 1700 (State Scholarship Commission) to Chapter XIX, 23 Ill. Adm. Code 2700 (Illinois Student Assistance Commission) pursuant to P.A. 86-168, effective July 1, 1989, at 13 Ill. Reg. 17854; amended at 14 Ill. Reg. 10538, effective July 1, 1990; amended at 16 Ill. Reg. 11206, effective July 1, 1992; amended at 17 Ill. Reg. 10541, effective July 1, 1993; amended at 18 Ill. Reg. 10282, effective July 1, 1994; amended at 19 Ill. Reg. 8343, effective July 1, 1995; amended at 20 Ill. Reg. 9170, effective July 1, 1996; amended at 21 Ill. Reg. 11066, effective July 18, 1997; amended at 22 Ill. Reg. 11072, effective July 1, 1998; amended at 23 Ill. Reg. 7550, effective July 1, 1999; amended at 24 Ill. Reg. _____, effective _____.

Section 2700.20 Definitions

"Academic Level" - The classification of a student as a freshman, sophomore, junior, senior, or graduate student.

"Academic Year" - In relation to scholarship and grant programs, a twelve month period of time, normally from August or September of any year through August or September of the ensuing year. In relation to the Federal Family Education Loan Program, academic year is defined as

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Section 481(d)(2) of the Higher Education Act of 1965, as amended (HEA), and at 34 CFR 668.2.

"Alternative Loan" - Any educational loan made or purchased by ISAC other than a loan made pursuant to Title IV of the Higher Education Act of 1965, as amended (20 USCA 1071 et seq.), or any other federal statute providing for federal insurance of education loans to borrowers.

"Applicant" - Any individual who requests ISAC consideration for a scholarship, grant, tuition waiver, or guaranteed or alternative loan.

"Approved High School" - Any public high school located in this State; and any high school, located in this State or elsewhere (whether designated as a high school, secondary school, academy, preparatory school, or otherwise) which in the judgment of the State Superintendent of Education provides a course of instruction at the secondary level and maintains standards of instruction substantially the equivalent of those public high schools located in this State. (Section 10 of the Higher Education Student Assistance Act [110 ILCS 947/10])

"Armed Forces" - The United States Army, Air Force, Navy, Marines and Coast Guard.

"Chargeback" - Payment of tuition by the community college district of a student's residence to the community college district of a student's attendance. (See 110 ILCS 805/6-2.)

"Citizen" - One who, under the Constitution and laws of the United States, is a native-born or naturalized citizen of the United States of America.

"College Savings Bond" - A State of Illinois general obligation, zero coupon bond, issued pursuant to the Baccalaureate Savings Act as a long-term education savings instrument.

"Co-maker" - One of the two individuals who are joint borrowers either on a Federal PLUS Loan that was certified prior to January 1, 1995 or on any Federal Consolidation loan and who are equally liable for repayment of the loan. (See 34 CFR 682.200.)

"Commission" - The ten member Illinois Student Assistance Commission created by Section 15 of the Higher Education Student Assistance Act [110 ILCS 947/15].

"Compound Accredited Value" - An amount equal to the original amount plus an investment return accrued to the date of determination at a

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semiannual compounding rate which is necessary to produce the yield at maturity indicated on the Official Statement that was issued when the college savings bonds were sold. The "Compound Accredited Value at Maturity" will be equal to \$5000 or an integral multiple thereof.

"Concurrent Registration" - The simultaneous enrollment at two or more institutions.

"Consolidation" - A federal program under which a borrower may receive a single new loan that refinances one or more outstanding qualified education loans under new terms and conditions which allows-borrowers to consolidate-a-number-of-loans-into-one, as authorized by Section 428C of the HEA.

"Contractual Agreement" - The written agreement between an eligible institution and a school or organization that is not eligible for participation in ISAC-administered programs whereby the non-eligible institution provides part of the education program of students enrolled at the eligible institution, as codified in Section 2700.80. A contractual agreement differs from a consortium agreement, which is an agreement among two or more eligible institutions only.

"Correctional Officer" - An employee of the Illinois Department of Corrections (DOC) who is assigned to a security position with the Department, and who has responsibility for inmates of any correctional institution under the jurisdiction of the Department.

"Correspondence Course" - A home study course provided by an institution under which the institution provides instructional materials, including examinations on the materials, to students who are not physically attending classes at the institution, as defined at 34 CFR 600.2.

"Co-signer" - A person who is secondarily liable for the repayment of an Alternative Loan.

"Cost of Attendance" - For the purposes of ISAC's rules, this term is defined at Section 472 of the Higher Education Act of 1965, as amended (20 USCA 108711).

"Cumulative Grade Point Average" - The average grade earned throughout a student's applicable secondary or postsecondary educational program. The calculation shall be consistent with the institution's established policy or practice and shall be the same as that completed for admission, placement or other similar purposes.

"Default Status" - The failure ~~or refusal~~ of a borrower to make an installment payment when due or to meet other terms of the promissory

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note as defined at 34 CFR 682.200.

"Delinquency" - For the purposes of ISAC's rules, this term is defined at 34 CFR 682.411(b).

"Dependent Student" - A scholarship, loan, tuition waiver or grant applicant or recipient who is not classified as an independent student.

"Disbursement" - In relation to scholarship and grant programs, a disbursement occurs on the payment voucher date. In relation to the Federal Family Education Loan Program, disbursement is the process of transferring loan proceeds as defined at 34 CFR 682.200.

"Distance Education" - A learning and teaching mode characterized by the separation of place and/or time between instructor and student, which includes programs and courses offered by correspondence and telecommunications.

"ED" - The acronym for the United States Department of Education.

"Educational Institution" - Unless otherwise qualified, any secondary or postsecondary educational organization with enrolls students who participate in ISAC programs.

"Educational Lender" - An institution that meets the lender eligibility criteria outlined in 23 Ill. Adm. Code 2720.25 for FFELP Loans and 2721.40 for alternative loans.

"EFF" - The acronym for electronic funds transfer.

"Eligible Noncitizen" - A noncitizen who is eligible for federal student assistance pursuant to Section 484 of the Higher Education Act of 1965, as amended. (See 20 USCA 1091.)

"Endorser" - A person who is secondarily liable for the repayment of a Federal PLUS loan obligation.

"Enrolled" - The status of a student who has completed the institution's registration requirements and is attending classes.

"Executive Director" - The chief executive officer of ISAC.

"Expected Family Contribution" - The amount the student and the student's family may be reasonably expected to contribute toward the student's postsecondary education. Expected Family Contribution is defined at Section 474 of the Higher Education Act (HEA) of 1965, as amended. (See 20 USCA 1087nn.)

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"FAFSA" - The acronym for the Free Application for Federal Student Aid.

"FAFSA Receipt Date" - The date reported by ED's processor as the date upon which it receives an applicant's initial FAFSA for an academic year. For paper FAFSA's sent through the U.S. Postal Service, this is the date of physical receipt at the processor, not the postmark date.

"Federal Regulations" - Refers to regulations promulgated by ED and codified at 34 CFR 600 et seq.

"FFELP" - The acronym for the Federal Family Education Loan Program, as authorized by Section 421 of the Higher Education Act, as amended, including subsidized and unsubsidized Federal Stafford Loans, Federal PLUS Loans, Federal SLS Loans and Federal Consolidation Loans.

"Fire Officer" - For the purposes of ISAC's rules, this term means a firefighter who is employed by, or in the voluntary service of, this State or any public entity in this State.

"Foreign Missionary" - An individual who is assigned duty outside of the United States by an organization that engages in educational, philanthropic, humanitarian or altruistic works. The missionary organization must be exempt from the payment of federal taxes and must have been engaged in placing foreign missionaries for at least five years. Examples of such missionary organizations include, but are not limited to, the following: Peace Corps, Evangelical Alliance Mission, etc.

"Full-time Student" - In relation to scholarship and grant programs, an individual enrolled for twelve or more credit hours, for either a semester or quarter term. In relation to the Federal Family Educational Loan Program, full-time student is defined at 34 CFR 682.200.

"Gift Assistance" - Student assistance funds in the form of a scholarship, grant or tuition waiver, including, but not limited to, federal, State, institutional and private aid.

"Good Moral Character" - An applicant is of good moral character if the applicant will benefit from postsecondary instruction and is allowed to enroll at an approved postsecondary institution.

"Graduating Class" - The students who will complete the high school's program of instruction and graduate within an academic year.

"Guaranteed Loan(s)" - Loan assistance through the Federal Family Education Loan Program (FFELP) which includes the subsidized and

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unsubsidized Federal Stafford Loan, the Federal PLUS Loan, the Federal Supplemental Loans for Students (SLS), and the Federal Consolidation Loan programs.

"HEA" - The acronym for the Higher Education Act of 1965, as amended, and codified at 20 USCA 1070 et seq.

"Half-time Student" - In relation to scholarship and grant programs, an individual enrolled for six or more credit hours (but fewer than twelve credit hours) for either a semester or quarter term. In relation to the Federal Family Education Loan Program, half-time student is defined at 34 CFR 682.200.

"Holder" - An organization authorized by ED and ISAC to purchase or retain possession of guaranteed loans. These organizations operate as commercial and educational lenders or secondary markets and may purchase ISAC-guaranteed loans from approved lenders.

"IBHE" - The acronym for the Illinois Board of Higher Education, the administrative agency created by the Board of Higher Education Act [110 ILCS 947/205].

"IDAPP" - The acronym for ISAC's Illinois Designated Account Purchase Program as authorized by the Education Loan Purchase Program Law [110 ILCS 947/125 through 170].

"Independent Student" - For the purposes of ISAC's rules, an independent student is defined by Section 480 of the Higher Education Act of 1965, as amended by P.L. 102-325. (See 20 USCA 1087vv.)

"Institution" - Unless otherwise qualified, any secondary or postsecondary educational organization which enrolls students who participate in ISAC programs.

"Institution of Higher Learning" - An educational organization located in Illinois which:

provides at least a two-year program of collegiate study in liberal arts or sciences, or associate degree or both, directly applicable toward the attainment of a baccalaureate degree, or, a program in health education directly applicable toward the attainment of a certificate, diploma, or an associate degree; and

is operated:

by the State, or

publicly or privately, not for profit, or

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for profit, provided it:

Offers degree programs which have been approved by the IBHE for a minimum of three years under the Academic Degree Act, and

enrolls a majority of its students in these degree programs, and

maintains accredited status with the North Central Association of Colleges and Schools Commission on Institutions of Higher Education.

For otherwise eligible educational organizations which provide academic programs for incarcerated students, the term "institution of higher learning" shall specifically exclude academic programs for incarcerated students (Section 10 of the Higher Education Student Assistance Act).

"Institution of Record" - The postsecondary institution at which a student is enrolled and seeking a degree or certificate. This institution assumes primary responsibility for certification of eligibility for ISAC-administered programs and for requesting payment from ISAC.

"ISAC" - The acronym for the Illinois Student Assistance Commission, the administrative agency created by Section 15 of the Higher Education Student Assistance Act [110 ILCS 947/15] to administer student assistance programs.

"ISBE" - The acronym for the Illinois State Board of Education, the administrative agency created by the School Code [105 ILCS 5].

"Lender" - An organization authorized by ISAC to make educational loans to students.

"Mandatory Fees" - The charges assessed by an institution to each and every full-time student for each term. Application, graduation, laboratory, breakage, add/drop fees, and program administrative fees for out-of-state or foreign study are specifically excluded. For the purposes of ISAC's rules, tuition is not a mandatory fee.

"MAP" - The acronym for the Monetary Award Program administered by ISAC, as authorized by 110 ILCS 947/35 and codified at 23 Ill. Adm. Code 2735.

"Master Check" - A single check representing the loan proceeds for more than one borrower.

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"Minority Student" - A student who is either Black (a person having origins in any of the black racial groups in Africa); Hispanic (a person of Spanish or Portuguese culture with origins in Mexico, South or Central America, or the Caribbean Islands, regardless of race); Asian American (a person with origins in any of the original peoples of the Far East, Southeast Asia, the Indian subcontinent, including Pakistan, and the Pacific Islands, including, among others, Hawaii, Melanesia, Micronesia and Polynesia); or Native American (a person who is a member of a federally or state recognized Indian tribe, or whose parents or grandparents have such membership) and to include the native people of Alaska (Section 50(a) of the Higher Education Student Assistance Act).

"Parent" - For the purposes of ISAC's rules, this term is defined at 34 CFR 668.2.

"Pell Grant" - A federal gift assistance program administered by ED in accordance with Section 411 of the Higher Education Act of 1965, as amended. (See 20 USCA 1070a et seq.)

"PLUS" - The federal program which provides loans to parents of certain students, as authorized by Section 428B of the Higher Education Act of 1965, as amended (20 USCA 1078-2) and Sections 80 through 175 of the Higher Education Student Assistance Act [110 ILCS 947/80 through 175].

"Police Officer" - For the purposes of ISAC's rules, this term means a law enforcement officer who is employed by, or in the voluntary service of, this State or any public entity in this State.

"Qualified Applicant" - An individual who meets the eligibility requirements of the gift assistance program for which s/he is applying.

"Regular School Year" - An eight to nine month period of time which includes two semester terms or three quarter terms. The regular school year excludes summer terms. Terms that begin after April 15 and end before September 16 are considered summer terms.

"Remedial Courses" - The course work that prepares a student for study at the postsecondary level and is necessary for the student to pursue the eligible postsecondary program.

"Resident of Illinois" -

A dependent student is a resident of Illinois if the parent of the dependent-applicant, who is required by the instructions to complete the Free Application for Federal Student Aid (FAFSA),

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"Rules" - The rules of ISAC codified at 23 Ill. Adm. Code: Subtitle A, Chapter XIX.

"Satisfactory Academic Progress" - An institutional policy which establishes minimum standards of academic performance. For purposes of ISAC-administered programs, the standards must be at least as stringent as those required by ED pursuant to Section 484 of the Higher Education Act of 1965, as amended. (See 20 USCA 1091.)

"Service Academy" - *The U.S. Air Force Academy, the U.S. Coast Guard Academy, the U.S. Military Academy or the U.S. Naval Academy* (Section 30(a) of the Higher Education Student Assistance Act).

"SLS" - The acronym for the federal Supplemental Loans for Students Program, as authorized by Section 428A of the Higher Education Act, as amended (20 USCA 1078-1). No SLS loans have been made for periods of enrollment beginning on or after July 1, 1994.

"Special Education" - A postsecondary educational program designed to teach persons how to meet the needs of all children designated as physically disabled, with specific learning disabilities, or requiring extraordinary special education services and facilities. (See 105 ILCS 5/14-1.02 and 7-20a.) These programs prepare persons for meeting the needs of children who exhibit disabilities or exceptional characteristics ranging from very mild to very severe. (See 23 Ill. Adm. Code 226, Special Education.) Such a program prepares a student to teach physically disabled children or children with learning disabilities. (See 105 ILCS 5/14-1.02 and 1.03a.)

"Stafford" - The federal subsidized and unsubsidized loan programs as authorized by Sections 427, 428 and 428H of the Higher Education Act, as amended (20 USCA 1078).

"Student Beneficiary" - An individual designated as the recipient of a College Savings Bond Bonus Incentive Grant.

"Teacher Education Program" - An undergraduate postsecondary course of study which, upon completion, qualifies a student to be certified as a pre-school, elementary or secondary teacher by a state board of education or its equivalent (including the Illinois State Board of Education). For a student who has completed less than four semesters/six quarters of postsecondary study, this includes a postsecondary course of study which leads to a teacher education program.

"Teacher Shortage Discipline" - An academic discipline in which a shortage of teachers exists in Illinois, as designated by the Illinois State Board of Education.

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physically resides within the State of Illinois and Illinois is his or her true, fixed and permanent home.

An independent student is a resident of Illinois if the applicant physically resides within the State of Illinois (at the time of application), and has so resided for a period of 12 continuous, full months immediately prior to the start of the academic year for which assistance is requested and Illinois is his or her true, fixed and permanent home.

When an applicant does not qualify as a resident of Illinois under the preceding two paragraphs and the applicant is a member of the U.S. Armed Forces or a foreign missionary, or is the dependent or the spouse of an individual who is a member of the U.S. Armed Forces or a foreign missionary, then the applicant's residency shall be determined in accordance with the following four paragraphs.

An applicant who is a member of the U.S. Armed Forces will be a resident of Illinois if the applicant physically resided in Illinois immediately prior to entering the U.S. Armed Forces, returned (or plans to return) to Illinois within six months after and including the date of separation and can demonstrate (pursuant to Section 2700.50(f) and (g)) that his/her domicile was the State of Illinois throughout such enlistment.

An applicant who is a foreign missionary will be a resident of Illinois if the applicant physically resided in Illinois for six continuous months immediately prior to entering missionary service, returned (or plans to return) to Illinois within six months after the conclusion of missionary service, and can demonstrate (pursuant to Section 2700.50(f) and (g)) that his/her domicile was the State of Illinois throughout such missionary service.

The dependent-applicant shall be a resident of Illinois notwithstanding the parent(s)' temporary physical absence from Illinois provided the parent(s) would be a resident of Illinois under the preceding two paragraphs.

The spouse-applicant shall be a resident of Illinois immediately upon physically occupying a dwelling within the State of Illinois provided the applicant can demonstrate that his/her absence from the State was the result of residing with the spouse during enlistment or missionary service outside of Illinois and that the spouse-applicant's domicile continues to be the State of Illinois.

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"Telecommunications Course" - A course offered principally through the use of television, audio, or computer transmission, including open broadcast, closed circuit, cable, microwave, satellite, audio conferencing, computer conferencing, and video cassettes or disks, as defined at 34 CFR 600.2.

"Term" - A unit of time for student attendance, including, but not limited to, a quarter or semester.

"Tuition" - The charge for instruction assessed by an institution.

"Verification" - Procedures implemented by postsecondary institutions to verify the eligibility of applicants. The procedures are established by 34 CFR 668 et seq. and by ISAC's rules.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 2700.30 General Institutional Eligibility Requirements

a) ISAC Program Participation Agreement

1) All institutions shall execute an ISAC Program Participation Agreement in order to participate in ISAC gift assistance programs.

2) The ISAC Program Participation Agreement shall identify the ISAC programs under which the institution's students may receive benefits.

3) The ISAC Program Participation Agreement shall include provisions requiring institutions to comply with statutes, federal regulations and State rules.

4) The ISAC Program Participation Agreement may be modified or terminated in accordance with 23 Ill. Adm. Code 2790, Limitation, Suspension or Termination Proceedings.

b) With respect to ISAC student assistance programs, institutions shall develop and maintain procedures to verify the consistency and accuracy of information received from their enrolled recipients.

c) Institutions shall be subject to possible limitation, suspension or termination of eligibility for failure to comply with statutes, regulations, rules or procedures and for failure to maintain the standards required by this Section for initial participation. (See 23 Ill. Adm. Code 2790.)

d) Postsecondary institutions which participate in gift assistance programs shall annually submit to ISAC a copy of ~~both--their satisfactory-academic-progress-policy-and~~ their tuition refund policy. Public postsecondary institutions shall also submit a copy of their policy establishing a minimum grade point average for recipients of grants pursuant to the Illinois National Guard Grant Program and the Illinois Veteran Grant Program. Such submissions shall not be

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considered ISAC approval of such policies.

e) Postsecondary institutions which participate in gift assistance programs shall annually report their tuition and fee charges to ISAC on or before June 1 preceding each academic year.

1) Failure to report any cost changes by the deadline will cause the prior year's charges to be used as part of the calculation process for gift assistance benefits. Failure to report the assessment of a fee charge by the deadline will result in that fee charge being ineligible for payment under ISAC gift assistance programs.

2) The report shall match specific fee charges with the gift assistance program(s) which may finance the fee. Such categorizations by the institution shall not be considered ISAC approval.

3) The Illinois National Guard Grant and the Illinois Veteran Grant (IVG) Programs may finance only a portion of certain fee charges. (See 23 Ill. Adm. Code 2730.10(c) and 2733.20(f).)

A) Example: One fee finances both tuition and text book expenses. Only the portion of the fee which is attributable to tuition expenses may be financed with program benefits.

B) Institutions with such a fee shall certify what percentage of the fee is eligible to be financed with program benefits. Certification shall be performed by the institution's chief fiscal officer.

f) Institutions shall submit additional reports, data and information to ISAC as may be requested. These inquiries include, but are not limited to, surveys, enrollment confirmations and evaluation instruments.

g) Additional institutional eligibility requirements are contained in subsequent Parts of ISAC's rules.

h) Postsecondary institutions may apply to participate in ISAC-guaranteed loan programs in accordance with 23 Ill. Adm. Code 2720.

i) Postsecondary institutions may apply to participate in ISAC gift assistance programs in accordance with this subsection.

1) The Commission approves participation in ISAC gift assistance programs for an institution rather than for specific academic programs within an institution.

2) Prior to applying for participation in ISAC gift assistance programs, the institutional applicant must have authority to operate a postsecondary institution in Illinois. (See 23 Ill. Adm. Code 1030.)

3) Institutional applicants which are fully accredited by the North Central Association and have degree-granting authority may be approved to participate in ISAC gift assistance programs provided the institution meets and maintains the requirements of subsections (1)(4)(C) and (D) below.

4) Institutional applicants which do not meet the requirements of subsection (1)(3) above may be approved to participate in ISAC

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gift assistance programs if the institution has:

- A) obtained candidate status for North Central accreditation.
- B) applied for and is seeking degree-granting authority.
- C) obtained at least three letters indicating the transferability of academic credit from the applicant institution to other institutions. The letters must be from institutions which are approved to participate in the Monetary Award Program (MAP) and are fully accredited by the North Central Association. (See 23 Ill. Adm. Code 2735.60.)
- D) an adequate number of qualified persons to administer their responsibilities under ISAC's rules. In determining whether an institution employs an adequate number of qualified persons, the Commission considers the number of students aided, the number of programs in which the institution participates, the number of applications evaluated, the amount of funds administered, and the financial aid delivery system used by the institution.
- 5) Institutional applicants must also supply ISAC with audited financial statements, prepared by an independent third party in accordance with generally accepted accounting principles, to establish financial responsibility. (See, e.g., 34 CFR 668.15.)
- 6) Once approved to participate in ISAC gift assistance programs by the Commission, an institution shall receive provisional eligibility for a minimum of five academic years. ~~At the end of the sixth year, the institution shall submit three letters indicating the transferability of academic credit to other institutions for the following academic year. These letters must be from ISAC-approved MAP institutions which are fully accredited by the North Central Association.~~ B) An institution with provisional eligibility must petition the Commission for full eligibility. Full eligibility will be granted if the institution meets the requirements of subsection (j)(7)(3) above and if there are no outstanding audit exceptions.
- j) As a condition of eligibility for participation in ISAC student assistance programs, postsecondary institutions shall have a valid Program Participation Agreement with ED (see Section 487 of the Higher Education Act of 1965, as amended (20 USC 1094)) and shall report their Office of Postsecondary Education Identification (OPE-ID) number to ISAC.
- k) In order to begin and to continue participation in ISAC-administered student assistance programs, institutions must also demonstrate administrative capability and financial responsibility, as defined by federal regulations. (See, e.g., 34 CFR 668.15 & 668.16.) An institution's failure to meet and maintain those standards can lead to limitation, suspension or termination proceedings. (See 23 Ill. Adm. Code 2790.)

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- l) Institutions that have been assigned multiple main OPE-ID numbers will be considered separate entities by ISAC. Different campus codes associated with the same main OPE-ID number will not be considered separate entities.
- m) An institution shall notify ISAC of its Federal Employer Identification Number (FEIN) in order to receive payment pursuant to any ISAC-administered program.
- n) When an approved institution has a change of ownership resulting in a change of control, a change of location, or a change of name as defined by federal regulations, the institution's Program Participation Agreement with ED may be terminated. After an institution has undergone a change of status affecting its participation in any Title IV federal student financial aid programs, the institution may have its eligibility with ISAC reinstated by the execution of a new Program Participation Agreement with ED (see, e.g., 34 CFR 600.30 et seq.) and by the submission and approval of a new application for participation with ISAC.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 2700.40 General Applicant Eligibility Requirements

- a) Except as otherwise provided by this subsection, an applicant with a defaulted loan made pursuant to Title IV of the Higher Education Act is not eligible for benefits under ISAC-administered programs.
- l) Eligibility for guaranteed loans may be reinstated in accordance with federal regulations and the following provisions:
 - A) Eligibility for ISAC-guaranteed loans will be reinstated when:
 - i) the debt has been paid in full;
 - ii) the borrower has made a "satisfactory repayment arrangement," in accordance with 34 CFR 682.200;
 - iii) the borrower's prior defaulted loan(s) has been rehabilitated, in accordance with 34 CFR 682.405; or
 - iv) the borrower has made payments on a defaulted loan(s) to consolidate that loan(s) in accordance with 34 CFR 682.201.
 - B) Borrowers are eligible to use subsection (A)(ii) above only one time during the entire life of any loan.
 - C) Eligibility for ISAC-administered gift assistance will be reinstated for current and future terms when the applicant has maintained a satisfactory repayment record for at least six consecutive months or has met the requirements of subsection (A)(i)(A) above. Factors to be considered by ISAC in evaluating the repayment record include: the amount of the debt, the amount of the payments received by ISAC, the employment status of the applicant, and the frequency of

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the applicant's contact with ISAC.

- 2) A qualified applicant for Illinois Veteran Grant (IVG) assistance (23 Ill. Adm. Code 2733) shall be permitted one term of assistance during which a satisfactory repayment record, as defined by subsection (a)(1)(C) above, must be established. If such a repayment record is not established, additional assistance shall be denied until a satisfactory repayment record is established.
- b) No applicant shall receive ISAC-administered assistance if the applicant owes a refund for any ISAC-administered gift assistance, a Federal Pell Grant, or a Federal Supplemental Educational Opportunity Grant (FSEOG) (20 USCA 8-6-e-A- 1070(b)).
- c) An applicant shall, upon request, provide documentation to establish and verify eligibility. (See Section 2700.50.) Failure to supply adequate documentation will result in the denial of student assistance benefits.
- d) An applicant supplying fraudulent data shall be denied assistance and may also be subject to prosecution by the Illinois Attorney General, United States Department of Justice and/or an Illinois State's Attorney.
- e) Each applicant must submit his/her Social Security Number (SSN).
- f) Recipients who cease to be residents of Illinois after notification of eligibility may complete the academic year with the assistance awarded.
- g) Unless otherwise provided, benefits under gift assistance programs are subject to the limits of dollars appropriated to ISAC by the Illinois General Assembly and approved by the Governor. ~~Benefits--under--gift assistance--programs--are--generally--limited--to--the--regular--school--year--~~ If funding is available, assistance for summer terms or for attendance on a less than half-time basis shall be awarded separately.
- h) When gift assistance eligibility is limited to a specified number of term payments, the eligibility cap is calculated in accordance with this subsection.
 - 1) For each semester term of full-time payment benefits, the recipient is assessed six eligibility units. For each quarter term of full-time payment benefits, the recipient is assessed four eligibility units.
 - 2) For each semester term of half-time payment benefits, the recipient is assessed three eligibility units. For each quarter term of half-time payment benefits, the recipient is assessed two eligibility units.
 - 3) Sixty eligibility units are the equivalent of payments for ten semesters/fifteen quarters of full-time benefits.
 - 4) Forty-eight eligibility units are the equivalent of payments for eight semesters/twelve quarters of full-time benefits.
- i) An applicant shall comply with Selective Service registration requirements, pursuant to 34 CFR 668.31 et seq.
- j) Except for grants pursuant to 23 Ill. Adm. Code 2730 (Illinois

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National Guard Grant Program) and 23 Ill. Adm. Code 2733 (Illinois Veteran Grant Program), an applicant must be maintaining satisfactory academic progress in accordance with the institution's policy.

- k) Except for grants pursuant to 23 Ill. Adm. Code 2730 (Illinois National Guard Grant Program) and 23 Ill. Adm. Code 2733 (Illinois Veteran Grant Program), ISAC gift assistance benefits for courses utilizing distance education are limited to students enrolled in eligible degree or certificate programs who are eligible to receive Title IV, HEA program funds. (See 34 CFR 668.38.)
 - l) Except for grants pursuant to 23 Ill. Adm. Code 2730 (Illinois National Guard Grant Program) and 23 Ill. Adm. Code 2733 (Illinois Veteran Grant Program), students ~~Students~~ enrolled in academic programs while incarcerated are ineligible for ISAC gift assistance benefits, except for Illinois National Guard Grant and Illinois Veteran Grant program recipients.
- (Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 2700.50 Determining Applicant Eligibility

- a) The evaluation of applicant eligibility is the responsibility of both the institution and ISAC.
- b) No applicant is announced eligible for assistance by ISAC unless the application establishes prima facie eligibility. ISAC consults with other appropriate state and federal agencies in the process of reviewing application data. Such agencies include, but are not limited to, the U.S. Department of Education (ED), U.S. Internal Revenue Service (IRS), U.S. Immigration and Naturalization Service (INS), Illinois Department of Public Aid, Illinois Department of Revenue, and Illinois Department of Children and Family Services.
- c) When requesting payment for ISAC gift assistance programs, the postsecondary institution must certify that the applicants are eligible for the assistance. If an institution subsequently determines a student is no longer eligible for all or part of the awarded assistance, the institution must inform ISAC and submit the appropriate refund within 60 days after the receipt of payment or the end of a term, whichever is later.
- d) When requesting payment of benefits, institutions shall certify (in accordance with ISAC's rules and/or federal regulations) whether an applicant is eligible based upon enrollment in a particular academic program.
- e) If an institution erroneously certifies an applicant to be eligible for ISAC gift assistance programs, ISAC will recover the erroneous payment from the institution. Any student who obtained ISAC-administered funds by submitting inaccurate information to an institution must tender restitution to the institution to be eligible for ISAC assistance at that institution.

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f) If an applicant is selected for verification in conjunction with federal student assistance, that applicant shall also be verified for ISAC-administered programs. A selected applicant must be verified for ISAC programs even if the applicant is ineligible for federal student assistance.

g) Because ED verification procedures do not include procedures for verifying a student as a resident of Illinois, the following provisions shall be followed by the institution.

1) Notwithstanding the requirements of subsection (g)(2) below, residency verification shall not be required for students who received payment of a MAP award during the previous academic year.

2) Residency status shall be verified for each applicant who is selected for verification and meets one of the following criteria:

- A) the applicant has changed dependency status and has become an independent student; or
- B) the applicant has not been enrolled in an ISAC-approved MAP institution or an ISAC-approved Illinois high school (see Section 2700.30) during the preceding twelve months.

3e) Residency status shall be verified if the institution has any information which indicates the applicant may not be a resident of Illinois.

4a) Data from one or more of the documents listed below may provide proof that an applicant (or parent) is an Illinois resident, as defined in Section 2700.20. For an independent student applicant, the dates recorded on the documents must indicate the applicant has resided in Illinois for the relevant twelve continuous, full months.

- A) A valid State or federal income tax return
- B) Illinois high school or college transcript
- C) Illinois driver's license
- D) Utility or rent bills in the applicant's (or parent's) name
- E) Illinois auto registration card
- F) Residential lease in the applicant's (or parent's) name
- G) Wage and tax statements (IRS Form W-2)
- H) Statement of benefits history from the Illinois Department of Public Aid
- I) State of Illinois identification card issued by the Secretary of State
- J) Statement of benefits from the Illinois Department of Employment Security
- K) Statement of benefits from the Social Security Administration
- L) Illinois voter's registration card
- M) Property tax bill.

54) If an applicant is a resident of Illinois, but the institution cannot document this fact in accordance with subsection (g)(2)

ILLINOIS STUDENT ASSISTANCE COMMISSION

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above, the applicant or the institution may verify residency through ISAC's appeal process. (See Section 2700.70.)

h) Institutions may request first term payment even though verification is not yet complete. If, after verification, an ISAC payment adjustment is appropriate, institutions must submit the appropriate refund. If verification is not completed within 60 days after the conclusion of the regular school year, the institution shall return the first term payment to ISAC. For other than the first term of eligibility in an academic year, the verification process must be completed before the institution may request payment.

i) When an institution adjusts an applicant's eligibility pursuant to Title IV, Part F, of the Higher Education Act of 1965, as amended (20 USC 1087kk et seq.), the institution shall retain documentation which demonstrates the appropriateness of such adjustment.

j) Prepaid tuition benefits payable to a qualified beneficiary under College Illinois! (23 Ill. Adm. Code 2775) shall not be considered in determining the eligibility of that beneficiary as an applicant for any ISAC gift assistance program.

k) For students enrolled in programs in which classes are taken sequentially, rather than concurrently, in order to be classified as half-time, the student must attempt and incur charges for at least half of the credit hours required for full-time enrollment for that term.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 2700.55 Use, Security and Confidentiality of Electronic Data Exchanges

a) ISAC will provide eligible institutions and lenders with electronic data regarding applicants. In return, institutions and lenders will provide ISAC with electronic data on applicants as required by ISAC's rules.

b) Information on the availability of electronic data exchanges shall be provided in ISAC publications. To participate in electronic data exchanges, the institution or lender shall:

- 1) meet the eligibility guidelines established by ISAC;
- 2) execute a written agreement with ISAC, outlining the conditions of participation; and
- 3) select a machine-readable medium for telecommunications.

c) In the event the medium is lost, damaged, mutilated or erased, the party responsible shall bear the cost of replacing or restoring the medium.

d) ISAC shall provide program documentation and reasonable technical assistance related to data exchanges. The data and program documentation shall be confidential and shall not be used, sold or shared for any purpose other than that which is directly related to the internal operations of the institution, lender or ISAC.

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- e) ~~Institutions and lenders participating in direct telecommunications data exchanges--shall be provided with security procedures including access codes and passwords--institutions and lenders--shall be responsible for implementing appropriate safeguard procedures to protect the integrity of the data transmitted or received.~~
- f) All educational institutions, institutions and lenders, holders, servicers and other entities participating in ISAC-administered programs shall comply with all applicable federal and State laws which regulate the privacy and use of, and access to, shared applicant data. (See, e.g., the Family Educational Rights and Privacy Act (20 USCA § 8-6-A- 1232g); the Data Processing Confidentiality Act [30 ILCS 585/0.01 et seq.]; the Freedom of Information Act [5 ILCS 140]; Section 487 of the Higher Education Act of 1965, as amended (20 USCA § 8-6-A- 1094); and 34 CFR 682.610.) The data shall be confidential and shall not be used, sold or shared for any purpose other than that which is directly related to the internal operations of the participating entity or ISAC. Participating entities shall be responsible for implementing appropriate security procedures to protect the integrity of the data accessed, transmitted or received.

(Source: Amended at 24 Ill. Reg. _____, effective _____.)

Section 2700.60 Audits and Investigations

- a) ISAC shall audit participating ~~postsecondary~~ institutions of higher learning. Postsecondary institutions participating in ISAC gift assistance programs shall be audited once every three years (schedule permitting) unless more frequent audits appear to be necessary due to circumstances such as: substantial increases in student enrollment, evidence that the institution is experiencing difficulty meeting the requirements of ISAC's rules or federal regulations, or discrepancies in past audits conducted by ISAC. ~~Institutions with provisional eligibility shall be audited annually, schedule permitting.~~ Secondary institutions may be audited when ISAC has a complaint indicating an audit is appropriate. Audits shall usually be announced, but ISAC reserves the right to make unannounced audits.
- b) ISAC shall have access to all records related to ISAC programs. These records include, but are not limited to: admission records, financial records, registration records, attendance and enrollment records, financial aid transcripts, grades, academic transcripts and records maintained in accordance with ED verification procedures.
- c) ISAC audits shall be conducted in accordance with generally accepted audit standards as promulgated by the U.S. General Accounting Office publication "Standards for Audit of Governmental Organizations, Program Activities and Functions," where applicable.
- d) The institution shall be extended an opportunity to review and comment on the auditor's preliminary findings before the final audit report is submitted to the institution's chief executive officer. Audit

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findings may be appealed in accordance with Section 2700.70, Appeal Procedures.

- e) If an audit identifies gift assistance funds which were claimed on behalf of ineligible students, the funds shall be repaid to ISAC by the institution.

- f) ISAC may visit institutions to conduct investigations related to fraud and abuse of its programs. Campus administrators and/or campus security police may be consulted as part of any ongoing investigation.

(Source: Amended at 24 Ill. Reg. _____, effective _____.)

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Illinois Incentive For Access (IIA) Program
- 2) Code Citation: 23 Ill. Adm. Code 2736
- 3) Section Numbers: 2736.30
Proposed Action: Amendment
- 4) Statutory Authority: Implementing Section 36 and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/36 and 20(f)].
- 5) A Complete Description of the Subjects and Issues Involved: ISAC annually reviews its rules in order to respond to market changes and client suggestions, to implement State and federal statutory amendments, to codify improvements due to technological advances, and to clarify issues that have arisen during the previous year. We also are continuing an initiative to increase the level of standardization in procedures, format and terminology throughout our programmatic rules, in order to make them easier for our clients to use. In addition to making minor technical and grammatical changes throughout this Part, ISAC proposes the following substantive amendments:

In Section 2736.30(i), the prohibition on the use of IIA for correspondence courses has been removed, in recognition of the increased utilization of distance education. It is important to note, however, that the usage permitted is limited to students in eligible degree or certificate programs at MAP-eligible institutions only. Correspondence schools, which offer course work primarily through this means, are not eligible institutions under either federal or State financial aid programs, and therefore their students still remain ineligible for IIA. This change parallels the eligibility provisions for federal student aid programs.

- 6) Will these proposed amendments replace an emergency rule currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporations by reference? No
- 9) Are there any other amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a state mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)] and does not necessitate a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to comment on this proposed rulemaking may submit written comments no later than 45 days after the publication of this notice to:

Thomas A. Breyer
Deputy Program Officer
Illinois Student Assistance Commission
1755 Lake Cook Road
Deerfield IL 60015
(847) 948-8500
- 12) Initial Regulatory Flexibility Analysis:
 - A) Types of small businesses, small municipalities and not for profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None

- 13) Regulatory Agenda on which this rulemaking was summarized: January 2000

The full text of the Proposed Amendments begins on the following page:

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE A: EDUCATION
CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSION

PART 2736
ILLINOIS INCENTIVE FOR ACCESS (IIA) PROGRAM

- Section
- 2736.10 Summary and Purpose
- 2736.20 Applicant Eligibility
- 2736.30 Program Procedures
- 2736.40 Institutional Procedures

AUTHORITY: Implementing Section 36 and authorized by Section 20(f) of the Higher Education Student Assistance Act [10 ILCS 947/36 and 20(f)].

SOURCE: Emergency rules adopted at 20 Ill. Reg. 10397, effective August 1, 1996, for a maximum of 150 days; adopted at 20 Ill. Reg. 15067, effective November 15, 1996; Old Part repealed and New Part adopted at 21 Ill. Reg. 11110, effective July 18, 1997; amended at 22 Ill. Reg. 11095, effective July 1, 1998; amended at 24 Ill. Reg. _____, effective _____.

Section 2736.30 Program Procedures

- a) An applicant applies for an IIA grant by using the form which the United States Department of Education (ED) designates as the application form for federal student financial aid. (See 20 USC 8547-547a-1070a.) This is also the application form used for the Monetary Award Program (MAP) grant. (See 23 Ill. Adm. Code 2735.30(a).)
 - 1) An applicant must authorize ED to release his/her data to ISAC.
 - 2) An applicant, spouse and/or parents of the applicant, as applicable, are required to submit financial information on the application regarding income, asset value and non-taxable income (e.g., Temporary Assistance for Needy Families, public aid, veterans' or Social Security benefits). This information shall be kept confidential.
 - 3) A recipient must report to the institution all additional gift assistance, such as tuition waivers and scholarships.
 - 4) An applicant must file his/her application by the deadline date established by ISAC.
- b) A qualified applicant may receive one grant of up to \$500.
- c) The application must be complete at the time the grant is awarded. ISAC must have accurate data to properly determine an applicant's eligibility. If changes or corrections are necessary after receipt of corrected data, ISAC shall recalculate awards for those applicants

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- d) whose applications are not in agreement with their financial records. It is the responsibility of IIA grant applicants to gain admission to approved Illinois institutions. Illinois institutions are not obligated to admit IIA applicants.
- e) IIA grant payment is subject to the limit of dollars appropriated to ISAC by the Illinois General Assembly. If funds are insufficient to pay all claims, grants will be awarded according to the date the completed applications were received until funds have been expended. ISAC must submit a written evaluation of the IIA Program to the Governor, the General Assembly and the Board of Higher Education, including a report of the progress made toward the goal of increasing the access and retention rates for IIA grant recipients. Therefore, ISAC may collect data from institutions to comply with this requirement.
- g) IIA grants are applicable to any expense that is used to calculate the applicant's cost of attendance.
- h) The IIA grant shall not pay for academic programs intended to prepare a student for the General Educational Development (GED) test or for a high school diploma. (See, e.g., 23 Ill. Adm. Code 215.)
- i) The IIA grant shall not pay for audit courses, credit-by-examination and/or life experience, or noncredit course offerings (except qualifying remedial courses) or correspondence courses. Such course work cannot be used to meet the half-time requirement. Remedial courses shall be eligible for IIA payment provided the student has been accepted into an eligible degree/certificate program and is taking the remedial courses as a part of that program. Payment shall not be made for more than the equivalent of one year of remedial course work (i.e., 30 semester hours or 45 quarter hours). Repeat courses are eligible for IIA payment.
- j) An institution is obligated to provide IIA recipients the same facilities and instruction, on the same terms, as those provided to other students.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Illinois National Guard (ING) Grant Program
- 2) Code Citation: 23 Ill. Adm. Code 2730
- 3) Section Numbers: Proposed Action:
2730.20 Amendment
- 4) Statutory Authority: Implementing Section 45 and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/45 and 20(f)].
- 5) A Complete Description of the Subjects and Issues Involved: ISAC annually reviews its rules in order to respond to market changes and client suggestions, to implement State and federal statutory amendments, to codify improvements due to technological advances, and to clarify issues that have arisen during the previous year. We also are continuing an initiative to increase the level of standardization in procedures, format and terminology throughout our programmatic rules, in order to make them easier for our clients to use. In addition to making minor technical and grammatical changes throughout this Part, ISAC proposes the following substantive amendments:

In Section 2730.20(a), the requirement for students to report changes in the institution of attendance by specified dates has been eliminated, in order to provide greater flexibility to applicants. Also, in Section 2730.20(b), existing policy has been clarified by stating specifically that applicants must be currently serving personnel on active duty status.

- 6) Will these proposed amendments replace an emergency rule currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporations by reference? No
- 9) Are there any other amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a state mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)] and does not necessitate a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to comment on this proposed rulemaking may submit written comments no later than 45 days after the publication of this notice to:

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

Thomas A. Breyer
Deputy Program Officer
Illinois Student Assistance Commission
1755 Lake Cook Road
Deerfield IL 60015
(847) 948-8500

- 12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profit corporations affected: None
- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: None

- 13) Regulatory Agenda on which this rulemaking was summarized: January 2000

The full text of the Proposed Amendments begins on the following page:

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSION

PART 2730

ILLINOIS NATIONAL GUARD (ING) GRANT PROGRAM

Section	Summary and Purpose
2730.10	Applicant Eligibility
2730.20	Program Procedures
2730.30	Institutional Procedures
2730.40	

AUTHORITY: Implementing Section 45 and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/45 and 20(f)].

SOURCE: Adopted at 3 Ill. Reg. 4, p. 38, effective January 26, 1979; rules repealed at 6 Ill. Reg. 8239, effective June 30, 1982; new rules adopted at 6 Ill. Reg. 8413, effective June 30, 1982; codified at 7 Ill. Reg. 10877; amended at 8 Ill. Reg. 17016, effective September 5, 1984; amended at 9 Ill. Reg. 20827, effective January 1, 1986; amended at 11 Ill. Reg. 3202, effective January 29, 1987; amended at 12 Ill. Reg. 11531, effective July 1, 1988; transferred from Chapter IX, 23 Ill. Adm. Code 1730 (State Scholarship Commission) to Chapter XIX, 23 Ill. Adm. Code 2730 (Illinois Student Assistance Commission) pursuant to P.A. 86-168, effective July 1, 1989, at 13 Ill. Reg. 17857; amended at 14 Ill. Reg. 10567, effective July 1, 1990; amended at 16 Ill. Reg. 11254, effective July 1, 1992; amended at 17 Ill. Reg. 10563, effective July 1, 1993; amended at 18 Ill. Reg. 10303, effective July 1, 1994; amended at 20 Ill. Reg. 9187, effective July 1, 1996; Old Part repealed and New Part adopted at 21 Ill. Reg. 11119, effective July 18, 1997; amended at 22 Ill. Reg. 11100, effective July 1, 1998; amended at 24 Ill. Reg. _____, effective _____.

Section 2730.20 Applicant Eligibility

- a) Students must file an application annually indicating the institution to be attended. No payment will be authorized for any applicant until a current application is on file. The deadline for applications will be September 15 for first term, March 1 for second semester/second and third quarter, and June 15 for the summer term. ~~institution-of-attendance-changes-must-also-be-reported-by-these-dates-~~
- 1) Qualified applicants will receive an eligibility letter from ISAC for each academic year following the filing of the application. This letter must be delivered to the institution at which the student is enrolled. Ineligible applicants will receive written notification from ISAC of their ineligibility to receive program benefits; and

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- 2) ISAC will verify application data in consultation with the Illinois Department of Military Affairs when reviewing an application.
- b) Applicants must be on active duty status and have served for at least one year in the Illinois National Guard. Eligibility is available to any currently serving enlisted person or any company grade officer, including warrant officers, first and second lieutenants, and captains in the Army and Air National Guard.
- c) Recipients must maintain an acceptable grade point average as determined by the institution pursuant to a published policy.
- d) Changes of address, name, status with the Illinois National Guard or institution of attendance must be reported in writing to ISAC.

(Source: Amended at 24 Ill. Reg. _____, effective _____.)

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Illinois Prepaid Tuition Program

2) Code Citation: 23 Ill. Adm. Code 2775

3) Section Number: 2775.20
Proposed Action: Amendment

4) Statutory Authority: Implementing the Illinois Prepaid Tuition Act [110 ILCS 979] and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/20(f)].

5) A Complete Description of the Subjects and Issues Involved: ISAC annually reviews its rules in order to respond to market changes and client suggestions, to implement State and federal statutory amendments, to codify improvements due to technological advances, and to clarify issues that have arisen during the previous year. We also are continuing an initiative to increase the level of standardization in procedures, format and terminology throughout our programmatic rules, in order to make them easier for our clients to use. In addition to making minor technical and grammatical changes throughout this Part, ISAC proposes the following substantive amendments:

The definition of "Qualified Beneficiary" under Section 2775.20, Definitions, has been modified to implement changes contained in Public Act 91-669. The new language clarifies the conditions under which a child less than one year of age may be deemed to be a qualified beneficiary under this program.

6) Will this proposed amendment replace an emergency rule currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed amendment contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a state mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)] and does not necessitate a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to comment on this proposed rulemaking may submit written comments no later than 45 days after the publication of this notice to:

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

Thomas A. Breyer
Deputy Program Officer
Illinois Student Assistance Commission
1755 Lake Cook Road
Deerfield IL 60015
(847) 948-8500

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: None

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: January 2000

The full text of the Proposed Amendments begins on the following page:

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSION

PART 2775

ILLINOIS PREPAID TUITION PROGRAM

Section	Summary and Purpose
2775.10	Definitions
2775.20	Participant Eligibility
2775.30	Program Procedures
2775.40	Contract Terms and Conditions
2775.50	Scholarships, Grants or Monetary Assistance
2775.60	
2775.70	Disclosure

AUTHORITY: Implementing the Illinois Prepaid Tuition Act [110 ILCS 979] and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/20(f)].

SOURCE: Adopted by emergency rulemaking at 22 Ill. Reg. 16652, effective September 11, 1998, for a maximum of 150 days; adopted at 23 Ill. Reg. 2591, effective February 1, 1999; amended at 24 Ill. Reg. _____, effective _____.

Section 2775.20 Definitions

"Illinois Community College" - A public community college as defined in Section 1-2 of the Public Community College Act.

"Illinois Prepaid Tuition Contract" or "Contract" - A contract entered into between the Illinois Student Assistance Commission, on behalf of the State of Illinois, and a purchaser under Section 45 of the Illinois Prepaid Tuition Act to provide for the higher education of a qualified beneficiary.

"Illinois Prepaid Tuition Program" or "Program" - The college savings and investment program created in Section 15 of the Illinois Prepaid Tuition Act.

"Illinois Prepaid Tuition Trust Fund" - The repository of all moneys received by the Commission, including all contributions, appropriations, interest and dividend payments, gifts, or other financial assets received in connection with operation of the Illinois Prepaid Tuition Program.

"Illinois Public University" - Any campus of: the University of

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Illinois, Illinois State University, Chicago State University, Governors State University, Southern Illinois University, Northern Illinois University, Eastern Illinois University, Western Illinois University or Northeastern Illinois University.

"MAP-eligible Institution" - A public institution of higher education or a nonpublic institution of higher education whose students are eligible to receive need-based student financial assistance through Monetary Award Program (MAP) grants administered by the Illinois Student Assistance Commission under the Higher Education Student Assistance Act and whose students also are eligible to receive benefits under Section 529(a) of the Internal Revenue Code of 1986, as specified by the federal Small Business Act of 1996 and subsequent amendments to this federal law.

"Member of the Family" or "Immediate Family" - Member of the family as defined in the Internal Revenue Code, Section 529(e)(2), as amended, means an individual who bears a relationship to a qualified beneficiary as follows: son or daughter, or a descendant of either; stepson or stepdaughter; brother, sister, stepbrother, stepsister, half-brother, or half-sister; father or mother or an ancestor of either; stepfather or stepmother; son or daughter of a brother or sister; brother or sister of the father or mother; son-in-law, daughter-in-law, father-in-law, mother-in-law, brother-in-law or sister-in-law, the spouse of any of the above; or the spouse. In determining whether any of these relationships exist, a legally adopted child of an individual shall be treated as a child of such individual by blood.

"Nonpublic Institution of Higher Education" - Any MAP-eligible educational organization, other than a public institution of higher education, that provides a minimum of an organized 2-year program at the postsecondary level and that operates in conformity with standards substantially equivalent to those of public institutions of higher education. This excludes any educational organization used principally for sectarian instruction, as a place of religious teaching or worship, or for any religious denomination for the training of ministers, rabbis, or other professional persons in the field of religion.

"Public Institution of Higher Education" - An Illinois public university or Illinois community college.

"Purchaser" - Any person that has contracted to make payments under an Illinois prepaid tuition contract in accordance with State and federal laws.

"Qualified Beneficiary" - An individual designated as the recipient of

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the benefits of a prepaid tuition contract, provided he/she: has been a resident of this State for at least 12 months prior to the date of the application; or is a nonresident, so long as the purchaser has been a resident of the State for at least 12 months prior to the date of the application; or is less than one year of age and whose parent or legal guardian has been a resident of the State for at least 12 months prior to the date of the application ~~is--a--resident--of--an Illinois--resident.~~

"Registration Fees" - The charges derived by combining tuition and mandatory fees.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Illinois Special Education Teacher Tuition Waiver (SETTW) Program
- 2) Code Citation: 23 Ill. Adm. Code 2765
- 3) Section Numbers: Proposed Action:
2765.20 Amendment
2765.30 Amendment
- 4) Statutory Authority: Implementing Section 65.15 of the Higher Education Student Assistance Act [110 ILCS 947/65.15] and authorized by Sections 20(f) and 65.15(a)(2) of the Higher Education Student Assistance Act.
- 5) A Complete Description of the Subjects and Issues Involved: ISAC annually reviews its rules in order to respond to market changes and client suggestions, to implement State and federal statutory amendments, to codify improvements due to technological advances, and to clarify issues that have arisen during the previous year. We also are continuing an initiative to increase the level of standardization in procedures, format and terminology throughout our programmatic rules, in order to make them easier for our clients to use. In addition to making minor technical and grammatical changes throughout this Part, ISAC proposes the following substantive amendments:

A number of amendments are being made to incorporate changes contained in Public Act 91-496. Section 2765.20(a)(3) has been amended to more clearly distinguish between the three categories of students eligible to receive assistance under this Part.

In connection with ISAC's reengineering efforts, changes are being incorporated to reflect both legislative action and operational improvements which have been designed to achieve a greater level of standardization among our programs. In Section 2765.30(a), Program Procedures, the application deadline date has been changed from February 15 to March 1. The processing timetable for each of ISAC's three teacher scholarship programs - Minority Teachers of Illinois (MTI) Scholarship Program, David A. DeBolt Teacher Shortage Scholarship (DTSS) Program, and Illinois Special Education Teacher Tuition Waiver (SETTW) Program - has now been standardized, making for a simpler application process for students and more efficient program administration for ISAC.

Section 2765.30, Program Procedures, has also been modified to reflect additional changes due to P.A. 91-496. Section 2765.30(d) has been modified and (e) deleted to reflect that Regional Superintendents are no longer involved in the certification of eligibility of SETTW applicants. This responsibility will now rest with high school principals. A number of additional statutory changes have also been incorporated throughout the subsequent portions of Section 2765.30 to conform the terms and conditions

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of the Teaching Agreement/Promissory Note to those of the other teacher scholarship programs. Among the specific items addressed are the conditions under which the period for fulfillment of the teaching requirement may be extended, as well as those conditions which may also extend the repayment period if the waiver converts to a loan.

- 6) Will this proposed amendment replace an emergency rule currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed amendment contain incorporations by reference? No
- 9) Are there any other amendments pending on this Part? No

- 10) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a state mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3] and does not necessitate a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.

- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to comment on this proposed rulemaking may submit written comments no later than 45 days after the publication of this notice to:

Thomas A. Breyer
Deputy Program Officer
Illinois Student Assistance Commission
1755 Lake Cook Road
Deerfield IL 60015
(847) 948-8500

- 12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profit corporations affected: None
- B) Reporting, bookkeeping or other procedures required for compliance:
None
- C) Types of professional skills necessary for compliance: None

- 13) Regulatory Agenda on which this rulemaking was summarized: January 2000

The full text of the Proposed Amendments begins on the following page:

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE A: EDUCATION
CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSION

PART 2765

ILLINOIS SPECIAL EDUCATION TEACHER TUITION WAIVER (SETTW) PROGRAM

Section 2765.10	Summary and Purpose
2765.20	Applicant Eligibility
2765.30	Program Procedures
2765.40	Institutional Procedures

AUTHORITY: Implementing Section 65.15 and authorized by Sections 20(f) and 65.15(a)(2) of the Higher Education Student Assistance Act [110 ILCS 947/20(f) and 65.15].

SOURCE: Adopted at 19 Ill. Reg. 8354, effective July 1, 1995; amended at 20 Ill. Reg. 9194, effective July 1, 1996; Old Part repealed and New Part adopted at 21 Ill. Reg. 11129, effective July 18, 1997; amended at 22 Ill. Reg. 11107, effective July 1, 1998; amended at 24 Ill. Reg. _____, effective _____.

Section 2765.20 Applicant Eligibility

a) A qualified applicant shall be:

- 1) a United States citizen or an eligible noncitizen;
- 2) a resident of Illinois;
- 3) a graduate of an Illinois approved high school who ranked in the upper half of his or her high school graduating class; ~~for a~~ a student scheduled to graduate from an Illinois high school by the end of the school term in which the award is made; who ranks in the upper half of his or her high school graduating class at the end of the seventh semester; or be a person holding a valid teaching certificate that is not in the discipline of Special Education;
- 4) enrolled, or accepted for enrollment, as an undergraduate or graduate student seeking initial certification in any area of Special Education;
- 5) attending, or planning to attend, Chicago State University, Eastern Illinois University, Governors State University, Illinois State University, Northeastern Illinois University, Northern Illinois University, Southern Illinois University (Carbondale), Southern Illinois University (Edwardsville), University of Illinois (Chicago), University of Illinois (Springfield), University of Illinois (Urbana) or Western Illinois University; and
- 6) a potential new recipient in that s/he shall have not received

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the Illinois Special Education Teacher Tuition Waiver in the past.

- b) In any academic year in which the qualified applicant accepts or receives financial assistance through the Paul Douglas Teacher Scholarship (23 Ill. Adm. Code 2762), the Minority Teachers of Illinois Scholarship (23 Ill. Adm. Code 2763) or the DeBoit Teacher Shortage Scholarship (23 Ill. Adm. Code 2764), s/he shall not be eligible for an Illinois Special Education Teacher Tuition Waiver.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 2765.30 Program Procedures

- a) A completed ISAC application for the Illinois SETTW Program must be postmarked ~~received in ISAC's Deerfield office~~ on or before ~~the March 1, February-15~~ immediately preceding the academic year for which the tuition waiver is being requested, in order to receive priority consideration for an award.
- b) ISAC applications for the Illinois SETTW Program are available from eligible institutions; the offices of Regional Superintendents of Education in Illinois; State legislative and federal Congressional offices; and ISAC's Springfield, Deerfield and Chicago offices.
- c) If the student section of an application is incomplete, ISAC will notify the applicant. The applicant will then have an opportunity to furnish the missing information; however, the application will be considered for processing as of the date when the student section is complete and received in ISAC's Deerfield office.
- d) ~~Before on or before March 1 of each year, ISAC, on behalf of principals of public, private and parochial high schools in Illinois, will provide the Regional Superintendents of each county with a roster of the names of all students in their high school county who are anticipated to be qualified applicants.~~
- e) ~~On or before May-15 of each year, the Regional Superintendents shall certify the eligibility of qualified applicants on a roster that shall be returned to ISAC.~~
- f) ISAC shall award 250 Illinois Special Education Teacher Tuition Waivers annually as follows:
- 1) A maximum of 40 tuition waivers may be awarded annually to qualified applicants who hold valid teaching certificates that are not in the discipline of Special Education. If more than 40 applicants qualify under these provisions, a lottery shall be used to select 40 recipients;
 - 2) A minimum of 210 tuition waivers shall be awarded annually to high school graduates (or students scheduled to graduate) who rank in the upper half of their class. Any of the 40 tuition waivers not awarded pursuant to subsection (d)(f)(1) of this Section shall be awarded to this group;

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- 3) ISAC shall select recipients, who do not hold valid teaching certificates, from among qualified applicants based on the highest ACT or SAT I test scores as converted according to the Illinois Standard Test Score table (see 23 Ill. Adm. Code 2760.30(b)(1) and (2)).

- 4) A lottery will be used to determine recipients if the number of qualified applicants sharing the same Illinois Standard Test Score exceeds the number of tuition waivers to be awarded.

f)g) Notice of eligibility will be sent by July 1 to each qualified applicant who is selected to receive a tuition waiver. The qualified applicant is then responsible for providing a copy of the notice of eligibility to the institution. All other qualified applicants will be notified that they were not selected.

g)h) Tuition waivers are applicable towards credit for any semester/quarter within an academic year.

h)i) A recipient shall be exempt from paying tuition and matriculation, graduation, activity, term or incidental fees for up to four calendar years.

i)j) Prior to receiving assistance, the qualified applicant must sign a Teaching Agreement/Promissory Note, which must be submitted to ISAC. The Teaching Agreement/Promissory Note shall include the following stipulations:

- 1) the recipient pledges to teach, on a full-time basis, in the field of Special Education, for two of the five years immediately following graduation or termination of enrollment, in any recognized public, private or parochial school in Illinois;
 - 2) if the teaching requirement is not fulfilled, the tuition waiver converts to a loan and the recipient must repay the entire amount of the tuition waiver (prorated according to the fraction of the teaching obligation not completed), plus interest at a rate equal to 5% per annum; and
 - 3) the recipient agrees to provide ISAC with evidence of compliance with program requirements (e.g., responses to annual follow-up questionnaires, etc.).
- j)k) The five-year time period during which the teaching requirement must be fulfilled may be extended if the recipient:
- 1) serves, for not more than three ~~four~~ years, as a member of the United States Armed Forces; ~~or~~
 - 2) is enrolled full-time in an academic program related to the field of teaching, leading to a graduate or postgraduate degree;
 - 3) is temporarily totally disabled for a period of time not to exceed three years, as established by the sworn affidavit of a qualified physician;
 - 4) is actively seeking but unable to find full-time employment as a teacher at an Illinois public, private, or parochial school for one continuous period not to exceed two years, and is able to provide evidence of that fact; ~~or~~
 - 5) is taking additional courses, on at least a half-time basis,

ILLINOIS STUDENT ASSISTANCE COMMISSION

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k)† A recipient may be granted a leave of absence by the president of the institution, or his/her designee, for the following reasons:

- 1) earning funds to defray the recipient's educational expenses;
- 2) illness of the recipient or a member of the recipient's immediate family, as established by the sworn statement of a licensed physician; or
- 3) military service.

l)† A recipient must complete his or her course of study within six years including leave(s) of absence. A recipient must remain enrolled on a continuous basis during the regular school year for four years, unless granted a leave of absence. However, a leave of absence granted for military service shall not be considered part of the six years within which a recipient must complete a degree.

m)† A recipient shall enter repayment status on the earliest of the following dates:

- 1) the first day of the first calendar month after the recipient has ceased to pursue a course of study leading to initial certification as a teacher in Special Education, but not until six months have elapsed after the cessation of at least half-time enrollment in such a course of study;
- 2) the date the recipient informs ISAC that s/he does not plan to fulfill the teaching obligation; or
- 3) the latest date upon which the recipient must have begun teaching in order to complete the teaching obligation within five years after completing the postsecondary education for which the waiver was awarded.

n)† If a recipient is required to repay any portion of the tuition waiver, the repayment period shall be completed within five years after the tuition waiver converts to a loan. The five-year period may be extended if the recipient:

- 1) serves, for not more than three ~~four~~ years, as a member of the United States Armed Forces;
- 2) is temporarily disabled, for not more than three years, as established by the sworn affidavit of a licensed physician;
- 3) is pursuing a graduate or postgraduate degree and is enrolled on a full-time basis for one continuous period of time not to exceed three years;
- 4) is actively seeking and unable to find ~~for--not--more--than--two~~ years full-time employment for one continuous period not to exceed two years and is able to provide evidence of that fact as a Special-Education-teacher; or
- 5) withdraws from a course of study leading to a teacher certification in Special Education but remains enrolled on a full-time basis in another academic discipline.

o)† During the time a recipient qualifies for any of the extensions listed in subsection (n)† of this Section, s/he shall not be required to make payments and interest shall not continue to accrue.

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p)† A recipient shall not be required to pay the amount of the tuition and fees waived if s/he becomes permanently totally disabled, as established by the sworn affidavit of a licensed physician (see, e.g., 34 CFR 653.42(k)(1)); or if his or her representative provides ISAC with a death certificate or other evidence that the recipient has died.

q)† A recipient must be enrolled in a special education program within ten days after the beginning of the term for which the tuition waiver was initially awarded. If the recipient fails to comply with this requirement, s/he will forfeit the tuition waiver and ISAC will award it to another qualified applicant.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

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1) Heading of the Part: Illinois Veteran Grant (IVG) Program

2) Code Citation: 23 Ill. Adm. Code 2733

3) Section Numbers: Proposed Action:
2733.20 Amendment
2733.30 Amendment

4) Statutory Authority: Implementing Section 40 and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/40 and 20(f)].

5) A Complete Description of the Subjects and Issues Involved: ISAC annually reviews its rules in order to respond to market changes and client suggestions, to implement State and federal statutory amendments, to codify improvements due to technological advances, and to clarify issues that have arisen during the previous year. We also are continuing an initiative to increase the level of standardization in procedures, format and terminology throughout our programmatic rules, in order to make them easier for our clients to use. In addition to making minor technical and grammatical changes throughout this Part, ISAC proposes the following substantive amendments:

Section 2733.20, Applicant Eligibility, has been modified to reflect a procedural change designed to simplify the application process. Under Section 2733.20(i), documentation of all periods of service need no longer be provided by the applicant if ISAC is able to obtain it from the Department of Veterans' Affairs. Section 2733.30(b), under Program Procedures, has been amended to incorporate a statutory change contained in Public Act 91-496. Previously, a qualified applicant was required to notify an institution of his/her eligibility to receive benefits under this program within three months following the last scheduled day of classes for the term for which benefits are requested. The legislation changed this time frame from three months to two months.

6) Will these proposed amendments replace an emergency rule currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed amendments contain incorporations by reference? No

9) Are there any other amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a state mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)] and does not necessitate a local government to establish, expand or modify its activities in such a way as to necessitate

ILLINOIS STUDENT ASSISTANCE COMMISSION

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additional expenditures from local revenues.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to comment on this proposed rulemaking may submit written comments no later than 45 days after the publication of this notice to:

Thomas A. Breyer
Deputy Program Officer
Illinois Student Assistance Commission
1755 Lake Cook Road
Deerfield IL 60015
(847) 948-8500

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: None

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: January 2000

The full text of the Proposed Amendments begins on the following page:

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSION

PART 2733

ILLINOIS VETERAN GRANT (IVG) PROGRAM

Section	Summary and Purpose
2733.10	Applicant Eligibility
2733.30	Program Procedures
2733.40	Institutional Procedures

AUTHORITY: Implementing Section 40 and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/40 and 20(f)].

SOURCE: Emergency rule adopted at 10 Ill. Reg. 14322, effective August 20, 1986 for a maximum of 150 days; emergency expired January 16, 1987; adopted at 11 Ill. Reg. 3207, effective January 29, 1987; amended at 12 Ill. Reg. 11536, effective July 1, 1988; transferred from Chapter IX, 23 Ill. Adm. Code 1733 (State Scholarship Commission) to Chapter XIX, 23 Ill. Adm. Code 2733 (Illinois Student Assistance Commission) pursuant to P.A. 86-168, effective July 1, 1989, at 13 Ill. Reg. 17858; amended at 14 Ill. Reg. 10571, effective July 1, 1990; emergency amendments at 15 Ill. Reg. 15613, effective October 11, 1991, for a maximum of 150 days; emergency expired March 9, 1992; emergency amendment at 15 Ill. Reg. 18778, effective January 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 6880, effective April 14, 1992; amended at 16 Ill. Reg. 11261, effective July 1, 1992; amended at 17 Ill. Reg. 10570, effective July 1, 1993; amended at 18 Ill. Reg. 10309, effective July 1, 1994; amended at 20 Ill. Reg. 9200, effective July 1, 1996; Old Part repealed and New Part adopted at 21 Ill. Reg. 11139, effective July 18, 1997; amended at 22 Ill. Reg. 11114, effective July 1, 1998; amended at 23 Ill. Reg. 7575, effective July 1, 1999; amended at 24 Ill. Reg. _____, effective _____.

Section 2733.20 Applicant Eligibility

- a) A qualified applicant shall be any member of the Armed Forces of the United States who has served at least one year of active duty and whose separation from such service has been characterized as honorable provided s/he:
- 1) was a:
 - A) resident of Illinois at the time of entering service and after leaving the service returned to Illinois within 6 months; or
 - B) student at an Illinois public university or community college at the time of entering the service; and
 - 2) established or plans to establish Illinois residency within 6

ILLINOIS STUDENT ASSISTANCE COMMISSION

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months after separation from the Armed Forces, or if married to a person in continued military service:

- A) applied for this grant within 6 months after and including the date the spouse was stationed within Illinois; or
 - B) established Illinois residency within 6 months after and including the date that the spouse was separated (if the spouse was stationed outside Illinois).
- b) A recipient must reside in Illinois unless the recipient is a member of the Armed Forces at the time of enrollment.
- c) Any member of the Armed Forces of the United States who has served at least one year of active duty and who meets the Illinois residency requirements of this Section (i.e., subsections (a) and (b)), above, is a qualified applicant if his/her separation from such service was characterized as honorable. Upon discharge from the Armed Forces, the veteran shall be subject to verification of continued eligibility for assistance under this Part.
- d) A recipient must maintain an acceptable grade point average as determined by the institution pursuant to a published policy.
- e) An individual is not a qualified applicant if the individual's separation from the Armed Forces of the United States was characterized as other than honorable.
- f) An individual is not a qualified applicant if the individual's active duty with the Armed Forces was for less than one year unless:
- 1) the veteran's separation from such service for medical reasons directly connected with such service was characterized as honorable; or
 - 2) the veteran's separation prior to August 11, 1967 was characterized as honorable; or
 - 3) the veteran's separation from such service, which included service in a foreign country in a time of hostilities in that country, was characterized as honorable. As used in this Section, "time of hostilities in a foreign country" means any action by the armed forces of the United States that is recognized by the issuance of a Presidential proclamation or a Presidential executive order and in which the armed forces expeditionary medal or other campaign service medals are awarded according to Presidential executive order.
- g) Members of the Reserve Officer Training Corps (ROTC) and a state's National Guard are not eligible for assistance under this Part.
- h) Applicants are not eligible if their only service has been attendance at a service academy.
- i) In order to establish eligibility for this grant, an individual shall submit to ISAC an application, and documentation of all periods of service must be provided by either the applicant or the Illinois Department of Veterans' Affairs.
- 1) An applicant should submit a copy of his or her Certificate of Release or Discharge From Active Duty (Form DD 214) or Discharge Certificate, which can be obtained from the National Personnel

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- Records Center or the Illinois Department of Veterans' Affairs.
- 2) If the applicant does not have a copy of the DD 214, s/he should submit documentation which provides the following information: date of entry, date of separation, character of service, total active service, home or place of entry into the service, and home or place of separation from the service. Such documentation must have been issued by the United States Department of Defense (DD) or the Veterans' Administration.
- 3) If the applicant is a member of the Armed Forces at the time of application, s/he shall submit a copy of the original and/or current Enlistment Contract (Form DD4/194/3) and a letter from the commanding officer. If the veteran is in an initial enlistment, a copy of the original contract must be provided. If the veteran is on an enlistment extension, a copy of the current contract must be provided with the application as well as copies of all extension contracts. The letter from the commanding officer must indicate that the applicant is a member of the Armed Forces at the time of application, must include the veteran's home of record at the time of original enlistment, and must state the veteran's length of time in service and the expiration date of the current enlistment.
- 4) The definition of "Resident of Illinois" contained in 23 Ill. Adm. Code 2700.20 is applicable to the Illinois Veteran Grant Program although residency, for the purposes of this program, can be established in six months. If the applicant's DD 214 does not indicate Illinois residency when entering and/or separating from the Armed Forces, s/he may verify residency by providing one or more of the documents listed below:

- A) Illinois driver's license issued during the relevant six month period;
- B) Illinois high school or college transcripts demonstrating attendance during the relevant six month period;
- C) Utility bills/rent receipts in the applicant's name for the relevant six month period;
- D) Illinois motor vehicle registration issued during the relevant six month period;
- E) Residential lease in the applicant's name for the relevant six month period;
- F) Statement of benefits history from the Illinois Department of Public Aid for the relevant six month period;
- G) Statement of benefits from the Illinois Department of Employment Security for the relevant six month period;
- H) State of Illinois identification card issued during the relevant six month period; or
- I) Letter of employment verified by certification in accordance with Illinois law (see 735 ILCS 5/1-109) and printed on company letterhead.

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(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 2733.30 Program Procedures

- a) An applicant must apply to ISAC for assistance under this Part. ISAC will issue a Notice of Eligibility to each qualified applicant.
- b) To receive an Illinois Veteran Grant, a qualified applicant must notify the institution of his or her eligibility within two ~~three~~ months following the last scheduled day of classes for the term for which a grant is requested.
- c) Benefits are applicable to both undergraduate and graduate enrollment. There are no minimum credit hour enrollment requirements and benefits are applicable for noncredit courses.
- d) Benefits may be used to enroll at Illinois public universities and Illinois public community colleges.
- e) Fees exempted by the IVG:
 - 1) The recipient is exempt from paying most fees, including:
 - A) tuition and other instructional fees;
 - B) activity, air flight instructor and athletic fees;
 - C) matriculation, service and other registration-type fees;
 - D) off-campus and other extension course fees;
 - E) application fees;
 - F) graduation and transcript fees;
 - G) proficiency exam, College Level Exam Program (CLEP), placement exam and similar fees; and
 - H) health insurance fees.
 - 2) The recipient is responsible for payment of the following fees:
 - A) book rental fees;
 - B) laboratory and supply fees;
 - C) student union fees; and
 - D) fees for the operation, maintenance or rental of any building, facility or equipment.
- f) Recipients attending out-of-district community colleges receive tuition and fee benefits equivalent to those at the in-district rate. Recipients shall not be responsible for paying the difference between in-district and out-of-district tuition.
- g) Benefits are limited to the equivalent of four academic years of full-time enrollment, which is measured in eligibility units. Recipients may accumulate up to 120 eligibility units.
 - 1) To determine the amount of eligibility a recipient has used, credit hours (and noncredit hours for which benefits are used) will be converted to eligibility units according to the following table:

Number of Hours	Semester Term	Quarter Term
12 or more hours	12 units	8 units

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- 9 - 11.99 hours

6 units
- 6 - 8.99 hours

4 units
- 3 - 5.99 hours

2 units
- up to 2.99 hours

1 unit
- 2) Full program benefits may be extended for one additional term if the recipient has accumulated fewer than 120 eligibility units but does not have enough units remaining for the number of hours in which s/he is enrolled for the term.
- 3) In the event that a recipient withdraws from a course(s) prior to the end of a term, eligibility units will be assessed in proportion with the total dollars that are paid. If the recipient has had any portion of his/her tuition and fees paid, at least one eligibility unit will be charged to the recipient.

Example: A recipient is enrolled for twelve semester hours at a cost of \$600. The recipient withdraws from enrollment and incurs expenses of \$300 in accordance with the institution's tuition refund policy. The recipient would use six eligibility units and would receive \$300 in benefits.
- 4) The eligibility units used for a noncredit course shall be the same as the number of eligibility units used for a credit course having the same number of faculty contact hours.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Merit Recognition Scholarship (MRS) Program
- 2) Code Citation: 23 Ill. Adm. Code 2761
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
2761.20	Amendment
2761.30	Amendment
- 4) Statutory Authority: Implementing Section 30 and authorized by Section 30(h) of the Higher Education Student Assistance Act [110 ILCS 947/30 and 30(h)].
- 5) A Complete Description of the Subjects and Issues Involved: ISAC annually reviews its rules in order to respond to market changes and client suggestions, to implement State and federal statutory amendments, to codify improvements due to technological advances, and to clarify issues that have arisen during the previous year. We also are continuing an initiative to increase the level of standardization in procedures, format and terminology throughout our programmatic rules, in order to make them easier for our clients to use. In addition to making minor technical and grammatical changes throughout this Part, ISAC proposes the following substantive amendments:

Section 2761.20, Applicant Eligibility, has been rewritten to incorporate statutory changes contained in Public Act 91-128, which revised the selection criteria for this program. All qualified applicants, whether attending an approved Illinois high school or one not recognized by the State Board of Education, may now qualify for eligibility either through achieving a cumulative high school grade point average (GPA) at or above the 95th percentile of his/her high school class, or by scoring in the 95th percentile of students in the State taking either the ACT or SAT standardized college entrance examination. Previously, the eligibility criteria for students differed based on the type of high school they attended. In addition, the time frame for measurement of GPA has been moved from the end of the seventh semester to the end of the sixth semester, in order to standardize the processing timetable for all three merit-based programs. Eligibility data for ISAC's three merit programs - Robert C. Byrd Honors Scholarship Program, State Scholar Program, and Merit Recognition Scholarship Program, are now collected from high schools simultaneously, resulting in considerably reduced administrative burden on the schools.

- 6) Will these proposed amendments replace an emergency rule currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporations by reference? No

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9) Are there any other amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)] and does not necessitate a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to comment on this proposed rulemaking may submit written comments no later than 45 days after the publication of this notice to:

Thomas A. Breyer
Deputy Program Officer
Illinois Student Assistance Commission
1755 Lake Cook Road
Deerfield IL 60015
(847) 948-8500

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: None

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: January 2000

The full text of the Proposed Amendments begins on the following page:

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES

CHAPTER XIX: SUBTITLE A: EDUCATION
ILLINOIS STUDENT ASSISTANCE COMMISSION

PART 2761

MERIT RECOGNITION SCHOLARSHIP (MRS) PROGRAM

Section

2761.10 Summary and Purpose
2761.20 Applicant Eligibility
2761.30 Program Procedures
2761.40 Institutional Procedures

AUTHORITY: Implementing Section 30 and authorized by Section 30(h) of the Higher Education Student Assistance Act [110 ILCS 947/30 and 30(h)].

SOURCE: Adopted at 9 Ill. Reg. 10277, effective July 5, 1985; amended at 9 Ill. Reg. 20849, effective January 1, 1986; amended at 11 Ill. Reg. 3220, effective January 29, 1987; amended at 11 Ill. Reg. 14127, effective August 10, 1987; amended at 12 Ill. Reg. 11543, effective July 1, 1988; transferred from Chapter IX, 23 Ill. Adm. Code 1761 (State Scholarship Commission) to Chapter XIX, 23 Ill. Adm. Code 2761 (Illinois Student Assistance Commission) pursuant to P.A. 86-168, effective July 1, 1989, at 13 Ill. Reg. 17863; amended at 14 Ill. Reg. 10578, effective July 1, 1990; amended at 16 Ill. Reg. 11290, effective July 1, 1992; amended at 17 Ill. Reg. 10579, effective July 1, 1993; amended at 18 Ill. Reg. 10318, effective July 1, 1994; amended at 20 Ill. Reg. 9215, effective July 1, 1996; Old Part repealed and New Part adopted at 21 Ill. Reg. 11166, effective July 18, 1997; amended at 22 Ill. Reg. 11135, effective July 1, 1998; amended at 23 Ill. Reg. 7587, effective July 1, 1999; amended at 24 Ill. Reg. _____, effective _____.

Section 2761.20 Applicant Eligibility

a) A qualified applicant attending an approved high school located in Illinois shall be:

- 1) be due to graduate from an Illinois high school by the end of the academic year; 80% complete with the high school's program of instruction;
- 2) have at or above the 95th percentile of his or her high school class after having earned a seventh semester cumulative high school grade point average at or above the 95th percentile of his or her high school class by the end of the third semester prior to graduation from high school (normally the sixth semester), or have achieved a score on the ACT Assessment examination or SAT I: Reasoning Test, taken during the third or fourth semester prior to graduation, which is at or above the 95th percentile of students in the State who have taken the test during that same

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time period.

- A) A student may take either or both examinations during the designated period.
- B) All scores from such tests taken during the designated period must be submitted to ISAC.
- C) If a student submits scores from multiple examinations taken during the designated period, ISAC will use the highest score.
- D) When a student submits scores to ISAC, the student must report his or her academic level at the time the test was taken.
- E) ISAC will accept supplementary score reports of tests taken during the designated period upon the student's authorization to the test service. Such authorization by the student must be received by ISAC before August 1.
- F) Students who, for any reason, are unable to take a test on a regular testing date should make special arrangements to be tested in accordance with the procedures of the testing service. Any such special arrangements must take into account the test score submission deadlines;
- 3) be in good academic standing a person of good moral character;
- 4) be a resident of Illinois;
- 5) be a United States citizen or permanent resident of the United States; and
- 6) enroll enrolled or accepted for enrollment, on at least a half-time basis, at an institution of higher learning or service academy as an undergraduate student or cadet.
- b) A qualified applicant attending a high school located in Illinois other than an approved high school shall be:
- 1) 80% complete with the high school's program of instruction and in attendance at the end of the seventh semester;
- 2) a student whose Illinois Standard Test Score is at least seven points above the statewide average test score as determined annually by the Illinois State Board of Education for tests taken during the time frame designated for the State-Scholar Program (see 23 Ill. Adm. Code 2760.20(b));
- 3) a person of good moral character;
- 4) a resident of Illinois;
- 5) a United States citizen or permanent resident of the United States; and
- 6) enrolled or accepted for enrollment, on at least a half-time basis, at an institution of higher learning or service academy as an undergraduate student or cadet.
- b) c) A qualified applicant shall not have already received a baccalaureate degree.
- d) For the purposes of this Section, seventh semester means the period of instruction when a student has completed 80% of the high school's program of instruction. The seventh semester usually will be the

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student's next-to-last term

(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 2761.30 Program Procedures

- a) By in February of every year, participating high schools in Illinois shall certify to the Illinois Student Assistance Commission (ISAC) the names of students who are qualified applicants.
- 1) The certification of names shall be submitted in a format approved on-forms provided by ISAC. Certifications submitted by participating high schools shall be subject to audit by ISAC.
- 2) ISAC shall then promptly notify those qualified applicants who are reasonably assured of receiving MRS awards in accordance with annual funding levels recommended in the Governor's Budget.
- b) Qualified applicants shall be sent an MRS application which must be completed by the student and the postsecondary institution attended by the applicant. A complete application must be received by ISAC within one year after and including the date of high school graduation but absolutely no later than June 15 of the academic year immediately following graduation from the approved Illinois high school. Should the recipient transfer to a different institution after submission of the application, the enrollment transfer must be reported to ISAC in order to receive scholarship payments.
- c) ISAC shall disburse scholarship funds in two installments based on the terms financed by the scholarship. Scholarship funds may be used to finance expenses for a summer term.
- d) Funds shall be remitted to institutions on behalf of the recipients.
- e) Scholarship funds are applicable to two semesters or three quarter terms and must be used for educational expenses, including, but not limited to, tuition and fees, room and board, books and supplies, required service academy uniforms, and travel and personal expenses related to the recipient's enrollment.
- f) Should the recipient withdraw from enrollment during the first term financed by the scholarship, the recipient shall return to ISAC the full amount of the award.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Minority Teachers of Illinois (MTI) Scholarship Program
- 2) Code Citation: 23 Ill. Adm. Code 2763
- 3) Section Numbers: Proposed Action:
2763.30 Amendment
- 4) Statutory Authority: Implementing Section 50 and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/50 and 20(f)].

5) A Complete Description of the Subjects and Issues Involved: ISAC annually reviews its rules in order to respond to market changes and client suggestions, to implement State and federal statutory amendments, to codify improvements due to technological advances, and to clarify issues that have arisen during the previous year. We also are continuing an initiative to increase the level of standardization in procedures, format and terminology throughout our programmatic rules, in order to make them easier for our clients to use. In addition to making minor technical and grammatical changes throughout this Part, ISAC proposes the following substantive amendments:

In connection with ISAC's reengineering efforts, changes are being incorporated to reflect both legislative action and operational improvements which have been designed to achieve a greater level of standardization among our programs. In Section 2763.30(a), Program procedures, the application deadline date has been changed from May 1 to March 1. The processing timetable for each of ISAC's three teacher scholarship programs - Minority Teachers of Illinois (MTI) Scholarship Program, David A. DeBolt Teacher Shortage Scholarship (DTSS) Program, and Illinois Special Education Teacher Tuition Waiver (SETTW) Program - has now been standardized, making for a simpler application process for students and more efficient program administration for ISAC.

Public Act 91-670 also standardized many of the terms and conditions of the teacher scholarship programs. As a result, the required time frame for completion of the teaching obligation, as referenced in Section 2763.30(h)(2), (i), and (1)(3) has now been conformed to five years. Also, the interest rate set forth in Section 2763.30(h)(4), in the event the teaching requirement is not fulfilled and the scholarship converts to a loan, has also been conformed to five percent.

- 6) Will these proposed amendments replace an emergency rule currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No

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- 8) Do these proposed amendments contain incorporations by reference? No
- 9) Are there any other amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a state mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)] and does not necessitate a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to comment on this proposed rulemaking may submit written comments no later than 45 days after the publication of this notice to:

Thomas A. Breyer
Deputy Program Officer
Illinois Student Assistance Commission
1755 Lake Cook Road
Deerfield IL 60015
(847) 948-8500

12) Initial Regulatory Flexibility Analysis:

- A) Types of small business, small municipalities and not for profit corporations affected: None
- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: January 2000

The full text of the Proposed Amendments begins on the following page:

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSION

PART 2763

MINORITY TEACHERS OF ILLINOIS (MTI) SCHOLARSHIP PROGRAM

Section

2763.10 Summary and Purpose

2763.20 Applicant Eligibility

2763.30 Program Procedures

2763.40 Institutional Procedures

AUTHORITY: Implementing Section 50 and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/50 and 20(f)].

SOURCE: Emergency rules adopted at 15 Ill. Reg. 15621, effective October 11, 1991, for a maximum of 150 days; emergency expired on March 9, 1992; adopted at 16 Ill. Reg. 7048, effective April 21, 1992; emergency amendments adopted at 16 Ill. Reg. 16326, effective September 28, 1992, for a maximum of 150 days; emergency expired on February 25, 1993; emergency amendment at 17 Ill. Reg. 175, effective January 1, 1993, for a maximum of 150 days; emergency expired on May 29, 1993; amended at 17 Ill. Reg. 10585, effective July 1, 1993; amended at 18 Ill. Reg. 10325, effective July 1, 1994; amended at 19 Ill. Reg. 8361, effective July 1, 1995; amended at 20 Ill. Reg. 9221, effective July 1, 1996; Old Part repealed and New Part adopted at 21 Ill. Reg. 11174, effective July 18, 1997; amended at 22 Ill. Reg. 11141, effective July 1, 1998; amended at 24 Ill. Reg. _____, effective _____.

Section 2763.30 Program Procedures

a) A completed ISAC application for the MTI Scholarship Program must be postmarked on or before March 1 received in ISAC's Deerfield office on or before the May 1 immediately preceding the regular school year for which the scholarship is being requested, in order to receive priority consideration for an award.

1) Applications are available from qualified institutions of higher learning, State legislative and Congressional offices, and ISAC's Springfield, Deerfield and Chicago offices.

2) ISAC will mail renewal applications to all qualified students who received MTI Scholarships during the preceding regular school year.

3) If the application is incomplete, ISAC will notify the applicant. The applicant will then have an opportunity to furnish the missing information; however, the application will only be considered for processing as of the date when the application is complete and received at ISAC's Deerfield office.

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- b) At least 30 percent of the funds appropriated for scholarships awarded under this Section in each fiscal year shall be reserved for male qualified applicants.
- c) Notwithstanding the provisions of subsection (b) of this Section, awards will be made first to renewing applicants.
- d) No recipient may receive more than 8 semesters/12 quarters of scholarship assistance under this program.
- e) Scholarship funds are applicable towards up to two semesters/three quarters of full-time study within a regular school year.
- f) The total number of scholarships awarded in a given fiscal year is contingent upon available funding. If appropriated funds are insufficient to provide all qualified applicants with a scholarship, available funds shall be allocated in accordance with subsections (b) and (c) of this Section and on the basis of the dates that the completed applications are received in ISAC's Deerfield office.
- g) Qualified applicants may be required to furnish the postsecondary institution at which they are enrolled with a copy of their high school transcripts, any other documentation verifying high school graduation, or a copy of their GED certificates.
- h) Prior to receiving scholarship assistance under this Part, the qualified applicant must sign a Teaching Agreement/Promissory Note that is submitted to ISAC. The Teaching Agreement/Promissory Note shall include the following stipulations:
- 1) the recipient pledges to teach, on a full-time equivalent basis, for one year for each year of scholarship aid received, or for any portion of a year for which aid was received, under this Part;
 - 2) the teaching requirement will be fulfilled within the five-year ~~ten-year~~ period following the completion of the undergraduate program for which the recipient received assistance under this Part;
 - 3) the teaching requirement will be fulfilled at a nonprofit Illinois public, private or parochial preschool, elementary school or secondary school at which no less than 30 percent of the enrolled students are minority students, as certified by the Illinois State Board of Education (ISBE);
 - 4) if the teaching requirement is not fulfilled, the scholarship converts to a loan and the recipient must repay the entire amount of the scholarship(s) prorated according to the fraction of the teaching obligation not completed, plus interest at a rate of interest equal to five percent ~~no greater than the highest-rate applicable to student loans under PPPBP~~ and, if applicable, reasonable collection fees;
 - 5) the recipient agrees to provide ISAC with evidence of compliance with program requirements (e.g., responses to annual follow-up questionnaires, etc.); and
 - 6) the recipient promises to use the proceeds of the scholarship for educational expenses.

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- i) The five-year ten-year time period during which the teaching requirement must be fulfilled may be extended if the recipient:
- 1) serves, for not more than three years, as a member of the United States Armed Forces;
 - 2) is enrolled on a full-time basis as a graduate student in a course of study related to the field of teaching at an institution of higher learning;
 - 3) is temporarily totally disabled, for not more than three years, as established by the sworn affidavit of a licensed physician;
 - 4) is actively seeking but unable to find full-time employment as a teacher at a school that satisfies the criteria set forth in subsection (h)(3) of this Section for one continuous period not to exceed two years, and is able to provide evidence of that fact; or
 - 5) is taking additional courses, on at least a half-time basis, needed to obtain certification as a teacher in Illinois.
- j) If a recipient is required to repay any portion of the scholarship, the repayment period shall be completed within ten years after the scholarship converts to a loan. This ten-year period may be extended if the recipient:
- 1) serves, for not more than three years, as a member of the United States Armed Forces;
 - 2) is temporarily disabled, for not more than three years, as established by the sworn affidavit of a licensed physician;
 - 3) is seeking and unable to find full-time employment, for one continuous period not to exceed two years, and is able to provide evidence of that fact; or
 - 4) withdraws from a course of study leading to certification as a teacher but is enrolled full-time in another academic discipline.
- k) During the time a recipient qualifies for any of the extensions listed in subsection (j) of this Section, s/he shall not be required to make payments and interest shall not accrue.
- l) A recipient shall enter repayment status on the earliest of the following dates:
- 1) the first day of the first calendar month after the recipient has ceased to pursue a course of study leading to certification as a teacher at the preschool, elementary or secondary level, but not before six months have elapsed after the cessation of full-time enrollment in such a course of study;
 - 2) the date the recipient informs ISAC that s/he does not plan to fulfill the teaching obligation; or
 - 3) the latest date upon which the recipient must have begun teaching in order to complete the teaching obligation within five ten years after completing the postsecondary education for which the scholarship was awarded.
- m) A recipient shall not be required to repay the amount of the scholarship(s) received if s/he becomes permanently totally disabled as established by the sworn affidavit of a qualified physician (see,

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e.g., 34 CFR 653.42(k)(1)), or if his or her representative provides ISAC with a death certificate or other evidence that the recipient has died.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Monetary Award Program (MAP)
- 2) Code Citation: 23 Ill. Adm. Code 2735
- 3) Section Numbers:
 2735.20 Proposed Action:
 2735.30 Amendment
 2735.40 Amendment
- 4) Statutory Authority: Implementing Section 35 and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/35 and 20(f)].
- 5) A Complete Description of the Subjects and Issues Involved: ISAC annually reviews its rules in order to respond to market changes and client suggestions, to implement State and federal statutory amendments, to codify improvements due to technological advances, and to clarify issues that have arisen during the previous year. We also are continuing an initiative to increase the level of standardization in procedures, format and terminology throughout our programmatic rules, in order to make them easier for our clients to use. In addition to making minor technical and grammatical changes throughout this Part, ISAC proposes the following substantive amendments:

A new Section 2735.20(e) has been added under Applicant Eligibility to reflect statutory changes contained in Public Act 91-250, which permit ISAC to make awards under this Part to students enrolled during summer terms or those enrolled on a less than half-time basis. This change is also reflected in General Provisions, Section 2700.40(g).

In Section 2735.30, Program Procedures, a number of changes have been made to language describing the priority consideration dates and priority processing guidelines. The date by which applications must be received from continuing students in order for them to be considered for full year MAP awards has been extended from June 30 to July 15. While previously the Commission has been able to extend to this date on an ad hoc basis, it would like to make this change permanent in order to provide students and families with more certain information earlier in order to facilitate their college planning decisions. In Section 2735.30(d)(1)(C), eligibility for second semester or second and third quarter awards is now extended to continuing students applying on or after October 1, who previously were not eligible. Again, while previously the Commission has been able to extend this eligibility on an ad hoc basis, it would now like to make this change permanent.

In Section 2735.30(p), the prohibition on the use of MAP for correspondence courses has been removed, in recognition of the increased utilization of distance education. It is important to note, however, that

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the usage permitted is limited to students in eligible degree or certificate programs at MAP-eligible institutions only. Correspondence schools, which offer course work primarily through this means, are not eligible institutions under either federal or State financial aid programs, and therefore their students still remain ineligible for MAP. This change parallels the eligibility provisions for federal student aid programs.

In Section 2735.40(1)(3), the prohibition on institutions submitting payment requests before the end of the second week of classes is removed, and schools are now being permitted to submit requests beginning ten days prior to the start of classes for the term for which they are requesting payment. This time frame now parallels the requirements for federal student aid programs, and is expected to facilitate the timely delivery of funds to needy students.

- 6) Will these proposed amendments replace an emergency rule currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporations by reference? No
- 9) Are there any other amendments pending on this Part? No

- 10) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a state mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)] and does not necessitate a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.

- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to comment on this proposed rulemaking may submit written comments no later than 45 days after the publication of this notice to:

Thomas A. Breyer
 Deputy Program Officer
 Illinois Student Assistance Commission
 1755 Lake Cook Road
 Deerfield IL 60015
 (847) 948-8500

- 12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profit corporations affected: None

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B) Reporting, bookkeeping or other procedures required for compliance:
None

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: January 2000

The full text of the Proposed Amendments begins on the following page:

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSION

PART 2735

MONETARY AWARD PROGRAM (MAP)

Section	Summary and Purpose
2735.10	Applicant Eligibility
2735.20	Program Procedures
2735.30	Institutional Procedures
2735.40	Advance Payment Option
2735.50	Contractual Agreement Requirements (Repealed)
2735.60	Advance Payment Formula

APPENDIX A

AUTHORITY: Implementing Section 35 and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/35 and 20(f)].

SOURCE: Adopted at 9 Ill. Reg. 20857, effective January 1, 1986; amended at 11 Ill. Reg. 3225, effective January 29, 1987; amended at 11 Ill. Reg. 14134, effective August 10, 1987; amended at 12 Ill. Reg. 11546, effective July 1, 1988; transferred from Chapter IX, 23 Ill. Adm. Code 1735 (State Scholarship Commission) to Chapter XIX, 23 Ill. Adm. Code 2735 (Illinois Student Assistance Commission) pursuant to P.A. 86-168, effective July 1, 1989, at 13 Ill. Reg. 17864; amended at 14 Ill. Reg. 7242, effective May 1, 1990, amended at 16 Ill. Reg. 11296, effective July 1, 1992; emergency amendment at 16 Ill. Reg. 19237, effective November 23, 1992, for a maximum of 150 days; emergency expired on April 22, 1993; emergency amendment at 17 Ill. Reg. 6672, effective April 15, 1993, for a maximum of 150 days; emergency expired on September 18, 1993; amended at 17 Ill. Reg. 10596, effective July 1, 1993; amended at 17 Ill. Reg. 22576, effective January 1, 1994; amended at 19 Ill. Reg. 8369, effective July 1, 1995; amended at 20 Ill. Reg. 9227, effective July 1, 1996; Old Part repealed and New Part adopted at 21 Ill. Reg. 11184, effective July 18, 1997; amended at 22 Ill. Reg. 11149, effective July 1, 1998; amended at 23 Ill. Reg. 7592, effective July 1, 1999; amended at 24 Ill. Reg. _____, effective _____.

Section 2735.20 Applicant Eligibility

a) A qualified applicant shall be:

- 1) a citizen or eligible noncitizen;
- 2) a resident of Illinois;
- 3) maintaining satisfactory academic progress as determined by the institution;
- 4) enrolled in an eligible degree or certificate program (34 CFR 668.8) on at least a half-time basis throughout the institution's tuition refund/withdrawal adjustment period; and

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- 5) enrolled at an ISAC-approved institution of higher learning.
- b) A recipient may receive MAP grant payment for less than half-time enrollment provided the recipient was enrolled on at least a half-time basis throughout the institution's tuition refund/withdrawal adjustment period.
- c) MAP grant eligibility is based on the relative financial eligibility at an ISAC-approved institution of higher learning of the applicant's choice, and is reevaluated if the student's choice of institution changes.
- d) Eligibility is restricted to undergraduate students.
- 1) MAP recipients must not have received a baccalaureate degree.
 - 2) Graduate students are not eligible for MAP assistance. For purposes of this Part, an institution of higher learning shall classify as a "graduate student" any student who:
 - A) is enrolled in an academic program or course above the baccalaureate level which leads to any degree above the baccalaureate level; and
 - B) is not eligible to receive federal financial assistance (34 CFR 574.2, 575.2, 576.2) as an undergraduate student; and
 - C) has completed the equivalent of at least three years of full-time postsecondary study, either prior to entrance into the academic program or as part of the academic program itself.
- e) If funding is available, assistance for summer terms or for attendance on a less than half-time basis shall be awarded separately.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 2735.30 Program Procedures

- a) An application for a MAP grant must be submitted annually. An applicant uses the form which the United States Department of Education (ED) designates as an application form for federal student financial aid. (See Section 483 of the Higher Education Act of 1965, as amended (20 USC 1070a).)
- b) Applicants, spouses and the parents of applicants are required to submit financial information on the application which will be kept confidential, regarding income, asset value and non-taxable income (e.g., Temporary Assistance for Needy Families, public aid, veterans' or Social Security benefits).
- c) Priority Consideration Dates

In order to receive priority consideration for a full year award, an application from a student who had applied for a MAP grant for the previous regular school year must have a FAFSA receipt date of no later than July 15 June-30 immediately prior to the regular school year for which the application is being made. In order to receive priority consideration for a full year award, an application from a

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student who had not applied for a MAP grant for the previous regular school year must have a FAFSA receipt date of no later than September 30 of the regular school year for which the application is being made.

d) Priority Processing Guidelines

- 1) Students who file applications will be considered for full or partial year MAP awards based on available funds and the following:
 - A) For applications with a FAFSA receipt date of no later than July 15 June-30 preceding the regular school year for which assistance is being requested, students who had not applied for a MAP award the previous regular school year and students who did apply for a MAP award the previous regular school year will both be considered for full year awards;
 - B) For applications with a FAFSA receipt date of July 16 or later, but no later than September 30, students who had not applied for MAP awards the previous regular school year will be considered for full year awards; while students who did apply for a MAP award the previous regular school year will be considered for second semester or second and third quarter awards only;
 - C) For applications with a FAFSA receipt date of October 1 or later, and until the date of final suspension of award announcements for that regular school year, all students who had not applied for a MAP award the previous regular school year will be considered for second semester/second and third quarter awards only. ~~White students who did apply for a MAP award the previous regular school year will not be considered for a MAP award at all.~~
- 2) During the time periods referenced above, awards will be announced concurrently, both to students who had not applied for a MAP award the previous regular school year and to students who did apply for a MAP award during the previous regular school year. Award announcements will be made concurrently through the date of suspension of award announcements.
- 3) If it becomes necessary to suspend the processing of award announcements in order to remain within appropriated funding levels, the suspension will be applied concurrently to students who had not applied for a MAP award for the previous regular school year and to students who did apply for a MAP award the previous regular school year.
- 4) Corrections to applications received prior to the final suspension of award announcements will be processed and announced up to two months after the final suspension date or until the completion of the processing cycle, whichever comes first.
- e) Students eligible for second semester/second and third quarter awards who have a FAFSA receipt date of July 16 or later and who are graduating mid-year may request that their second semester/second or third quarter award be used for first semester/quarter.

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- f) To the extent necessary to administer the program within the limits of the MAP appropriation, the Commission may adjust the priority consideration dates and the priority processing guidelines established by this Section.
- g) When an application is incomplete, a notice will be sent to the applicant. The applicant then has an opportunity to furnish the missing information; however, depending on processing schedules, the applicant may be considered only for subsequent term awards.
- h) Applicants are informed that they are MAP recipients on the basis of application data supplied to ISAC. ISAC will recalculate awards for those applicants whose applications are not in basic agreement with their financial records, after receipt of corrected data. All announced MAP recipients are subject to verification.
- i) The Commission shall annually establish and publicize guidelines for the release of or increase in MAP awards as additional funds become available.
- j) MAP grants are applicable only toward tuition and mandatory fees. MAP grants may not exceed the:
- 1) maximum award specified at 110 ILCS 947/35(c); or
 - 2) institution's tuition and mandatory fee charges on file with ISAC.
- k) The maximum MAP grant available to a recipient attending a public community college is limited to the in-district tuition and mandatory fees. It is the recipient's responsibility to make arrangements to pay the additional costs incurred as an out-of-district student. The recipient is advised to contact the in-district community college and/or local high school regarding application procedures and deadline dates.
- l) Public community college award recipients shall be eligible for payment up to 19 hours (9.5 hours for half-time).
- m) A recipient may receive the equivalent of 10 semesters/15 quarters of full-time MAP grant payment (see 23 Ill. Adm. Code 2700.40(h)). Eligibility may be extended for one additional term if the recipient has accumulated fewer than 60 eligibility units but does not have enough units remaining for the number of hours that s/he is enrolled in for the term.
- n) Seniors in their last term of enrollment prior to receiving a baccalaureate degree and applicants enrolled in student teaching are classified as full-time students for purposes of MAP grant eligibility.
- o) The MAP grant shall not pay for academic programs intended to prepare a student for the General Educational Development (GED) test or for a high school diploma. (See, e.g., 23 Ill. Adm. Code 215.)
- p) The MAP grant shall not pay for audit courses, credit-by-examination and/or life experience, noncredit course offerings (except qualifying remedial courses), or clock hour programs or ~~correspondence~~ courses. Such course work cannot be used to meet the half-time or full-time requirement. Remedial courses shall be eligible for MAP payment

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- provided the student has been accepted into an eligible degree/certificate program and is taking the remedial courses as part of that program. Payment shall not be made for more than the equivalent of one year of remedial course work (i.e., 30 semester hours or 45 quarter hours). Repeat courses shall be eligible for MAP payment.
- q) If a recipient withdraws from enrollment after the expiration of the tuition refund/withdrawal adjustment period, the recipient shall receive MAP grant payment for tuition and mandatory fee costs incurred up to the term award provided the institution's tuition refund policy indicates the recipient has incurred charges in the amount of the claim.
- r) Eligibility units are accumulated by a recipient whenever MAP funds are disbursed on behalf of the recipient. (See 23 Ill. Adm. Code 2700.40(h).)
- s) MAP grant payment is subject to the limits of dollars appropriated to ISAC by the General Assembly.
- t) It is the responsibility of MAP recipients to gain admission to approved Illinois institutions of higher learning. Illinois institutions of higher learning are not obligated to admit MAP recipients. The institution is obligated to provide MAP recipients the same facilities and instruction, on the same terms, as are provided to other students.
- u) If a recipient's academic program involves out-of-state and/or foreign study, enrollment must be in accordance with subsection (j) and the following provisions:
- 1) The recipient must be enrolled at the ISAC-approved institution of higher learning, and the out-of-state/foreign study must be applicable to the student's degree or certificate program at the student's institution of record.
 - 2) The ISAC-approved institution of higher learning must record the course credits on the official academic transcript as institutionally earned credit and not as transfer credit.
 - 3) The recipient must be enrolled full-time.
 - 4) An institution shall not request more than two semesters/three quarters of MAP assistance for any one qualified applicant.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 2735.40 Institutional Procedures

- a) MAP recipients must report to the institution all additional gift assistance that applies toward tuition and mandatory fees, such as tuition waivers and scholarships.
- b) If a MAP recipient receives other assistance targeted specifically for tuition and fees, the combined assistance shall not exceed the total tuition and fee expenses incurred.

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- c) If an applicant is eligible for assistance under the Illinois National Guard (ING) Grant Program or the Illinois Veteran Grant (IVG) Program (23 Ill. Adm. Code 2730 and 2733), the applicant is not eligible for a full MAP grant because ING and IVG must be factored into the financial aid packaging prior to awarding MAP gift assistance. The institution may request payment of a partial MAP grant to finance fee expenses not covered by the above-referenced programs.
- d) If an applicant is eligible to receive tuition or fee benefits through a prepaid or reimbursable tuition plan other than the Illinois Prepaid Tuition Program, College Illinois! (23 Ill. Adm. Code 2775), or through a payment to the institution of higher learning by the applicant's employer, the institution of higher learning shall request MAP payment in accordance with this subsection:
- 1) A prepaid tuition plan is any program which exempts a student from tuition charges because of a payment(s) to the institution at a time prior to the student's enrollment. A reimbursable tuition plan is a program which reimburses a student for tuition costs after satisfactory completion of course work.
 - 2) The institution of higher learning shall recalculate the applicant's MAP eligibility by decreasing the applicant's tuition and fee charges by the amount of benefits the applicant is eligible to receive from the sources in subsection (d)(1) of this Section. The institution of higher learning shall report the applicant's reduced grant award on the payment request.
- e) The provisions of this Section shall not apply to benefits derived from the Baccalaureate Savings Act [110 ILCS 920] and 23 Ill. Adm. Code 2771.
- f) Notwithstanding the provisions of other ISAC-administered programs, the total amount of a student's gift assistance may not exceed the cost of attendance used to calculate Title IV aid for that student. Any excess gift assistance is considered an overaward and the institution of higher learning is required to reduce the MAP award and/or other gift assistance to prevent such an overaward.
- g) Institutions of higher learning shall submit payment requests to ISAC. When submitting payment requests, the institution shall certify that the qualified applicant meets the requirements of Section 2735.20, Applicant Eligibility.
- h) For any institution of higher learning which has concurrent registration opportunities, the following policy pertains:
- 1) The recipient must indicate his/her institution of record on the MAP application.
 - 2) The payment of the term award by ISAC will require the institution of record to receive MAP payment on behalf of any other institution(s) and the institution of record shall distribute the appropriate share of the award to the other institution(s). Payment by ISAC will not be made to more than one institution.
 - 3) The amount paid cannot exceed the maximum term award for

ILLINOIS STUDENT ASSISTANCE COMMISSION

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- full-time or half-time students at the institution of record, or the tuition and mandatory fee costs at the institution of record if the costs are less than the maximum term award.
- 4) Concurrent registration is limited to ISAC-approved institutions of higher learning.
 - 5) The recipient's academic record(s) at the institution of record must document the total number of credit hours for which the student is enrolled.
- i) If an Illinois institution operates an out-of-state center, residents of Illinois enrolled in classes at the out-of-state center may receive MAP benefits in accordance with Section 2735.30(u).
- j) If an announced recipient's credit hour enrollment decreases, the institution shall only request payment up to the amount of actual tuition and mandatory fee expenses incurred.
- k) Upon receipt of a payment request from the institution of record, ISAC remits MAP grant funds to the institution of record on behalf of the recipient. The institution of record shall credit these funds to the recipient's account.
- 1) MAP grants are divided into two semester or three quarter regular term payments and are paid directly to the approved institution of record which certifies to ISAC that the applicant is an eligible recipient.
 - 1) ISAC will annually establish priority claim dates for the return of payment request lists and inform schools of the required priority dates.
 - 2) Late payment requests will result in delayed processing of payments. Payment requests are processed in the sequence of receipt by ISAC and as funds are available.
 - 3) Institutions may ~~under--no--circumstances--are--institutions-to~~ submit their payment requests ~~beginning ten days prior to the start until--after--the--second-week~~ of classes for the term for which they are requesting payment.
- m) Institutional Processing of Payments
- 1) Within 30 days after and including the date of receiving any MAP funds claimed or advanced pursuant to this Section, the institution shall credit the MAP funds against the recipients' tuition and mandatory fee charges for the appropriate term.
 - 2) Institutions are required to reconcile payments received through MAP. Any payments received by the institution that are determined in the reconciliation to be refunds payable to ISAC are to be processed and returned to ISAC no later than 60 days following the end of the academic term. Refunds may be caused by billing errors, retroactive withdrawals and other miscellaneous reasons. Should the payment arrive after the end of the term, the institution will have 60 days following receipt of payment to complete the reconciliation process and return any refunds due.
 - 3) Award payments made in the name of one recipient cannot be applied to another recipient at the same institution. A refund of the payment made must be submitted to ISAC, and a supplemental

ILLINOIS STUDENT ASSISTANCE COMMISSION

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- request for payment must be processed for the proper recipient.
- 4) To provide sufficient time for processing and vouchering through the State Comptroller's Office in Springfield, all payment requests must be received by ISAC no later than August 1 due to the State's fiscal year lapse period ending August 31.
 - 5) Payment requests received after August 1 for the prior academic year will be processed as time and available funds permit; however, final action may require institutions to go to the Illinois Court of Claims to obtain payment for approved claims. (See the Court of Claims Act [705 ILCS 505].)
 - 6) If the institution does not submit refunds as required by this Section, ISAC will deduct outstanding refunds from subsequent institutional payment requests.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Robert C. Byrd Honors Scholarship Program
- 2) Code Citation: 23 Ill. Adm. Code 2755
- 3) Section Numbers: 2755.30
Proposed Action: Amendment
- 4) Statutory Authority: Implementing Section 65.60 of the Higher Education Student Assistance Act [110 ILCS 947/65.60] and Title IV, Part A, Subpart 6 of the Higher Education Act of 1965, as amended (20 USC 1070d-31 et seq.) and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/20(f)].
- 5) A Complete Description of the Subjects and Issues Involved: ISAC annually reviews its rules in order to respond to market changes and client suggestions, to implement State and federal statutory amendments, to codify improvements due to technological advances, and to clarify issues that have arisen during the previous year. We also are continuing an initiative to increase the level of standardization in procedures, format and terminology throughout our programmatic rules, in order to make them easier for our clients to use. In addition to making minor technical and grammatical changes throughout this Part, ISAC proposes the following substantive amendments:

In Section 2755.30, Program Procedures, references to "applications" have been replaced with the term "applicant data" to incorporate operational improvements which have taken place in the program as a result of ISAC's reengineering efforts. Eligibility data for ISAC's three merit programs - Robert C. Byrd Honors Scholarship Program, State Scholar Program, and Merit Recognition Scholarship Program, are now collected from high schools simultaneously, resulting in considerably reduced administrative burden on the schools. Eligibility determination for Byrd is now driven by the submission of applicant data from the school, and does not require submission of a separate application by the applicant. Also in Section 2755.30, the deadline date for submission of applicant data has been changed from January 15 to March 1, in order to standardize the processing timetable for all three merit-based programs.

- 6) Will these proposed amendments replace an emergency rule currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporations by reference? No
- 9) Are there any other amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: This rulemaking does not create

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or expand a State mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)] and does not necessitate a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.

- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to comment on this proposed rulemaking may submit written comments no later than 45 days after the publication of this notice to:

Thomas A. Breyer
Deputy Program Officer
Illinois Student Assistance Commission
1755 Lake Cook Road
Deerfield IL 60015
(847) 948-8500

- 12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: None

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: None

- 13) Regulatory Agenda on which this rulemaking was summarized: January 2000

The full text of the Proposed Amendments begins on the following page:

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE A: EDUCATION
CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSION

PART 2755

ROBERT C. BYRD HONORS SCHOLARSHIP PROGRAM

Section	Summary and Purpose
2755.10	Applicant Eligibility
2755.20	Program Procedures
2755.30	Institutional Procedures
2755.40	Geographic Districts
APPENDIX A	

AUTHORITY: Implementing Section 65.60 of the Higher Education Student Assistance Act [110 ILCS 947/65.60] and Title IV, Part A, Subpart 6 of the Higher Education Act of 1965, as amended (20 USC 1070d-31 et seq.) and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/20(f)].

SOURCE: Adopted at 19 Ill. Reg. 8386, effective July 1, 1995; amended at 20 Ill. Reg. 9244, effective July 1, 1996; Old Part repealed and New Part adopted at 21 Ill. Reg. 11211, effective July 18, 1997; amended at 22 Ill. Reg. 11162, effective July 1, 1998; amended at 24 Ill. Reg. _____, effective _____.

Section 2755.30 Program Procedures

- a) Applicant data ~~A-completed-application~~ for a Robert C. Byrd Honors Scholarship must be received in ISAC's Deerfield office on or before March 1 ~~January--15~~ preceding the academic year for which the scholarship is being requested.
- b) Information on applying ~~Applications~~ for the Robert C. Byrd Honors Scholarship is ~~are~~ available for distribution to students at approved high schools in Illinois and ~~7-offices-of-District--and--Regional Superintendents-of-Education-of-the-State-of-Illinois~~, offices of ISAC in Springfield, Chicago and Deerfield.
- c) If the applicant data ~~are~~ ~~student--section--of-the-application-is~~ incomplete, notification shall be sent to the applicant. The applicant will then have an opportunity to furnish the missing information; however, the applicant ~~application~~ will only be considered ~~for--processing~~ as of the date when the data ~~are~~ ~~student section-is~~ complete and received in ISAC's Deerfield office.
- d) Each year new and renewal Byrd applicants are to certify to ISAC that they meet eligibility requirements.
- e) Recipients must be enrolled on a full-time basis unless granted a postponement, waiver or interruption.

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- f) A new recipient may postpone his or her initial enrollment for a maximum of 12 months.
- g) After the first year of full-time study, the recipient may request a waiver of the full-time enrollment requirement due to unusual circumstances for a maximum of 12 months.
- 1) The request is to be submitted in writing to ISAC and any documentation must also be submitted.
- 2) The circumstances under which an exception to the full-time enrollment requirement may be granted include:
- A) the recipient's employment hours will not permit full-time enrollment;
- B) the recipient has medical problems that will not permit full-time enrollment, as established by the sworn statement of a licensed physician;
- C) the recipient is in his/her last semester of school and full-time enrollment is not required to complete the degree; or
- D) the care of an immediate family member due to illness or incapacitation will not permit full-time enrollment.
- 3) In order to receive a waiver of the full-time enrollment requirement, the recipient must be enrolled at least half-time.
- h) If the full-time enrollment requirement is waived, the Byrd award is prorated according to the number of hours the recipient is enrolled.
- i) After the first year of study, a recipient may interrupt his or her enrollment at an institution for a maximum of 12 continuous months.
- 1) The request is to be submitted in writing to ISAC and any documentation must also be submitted.
- 2) The circumstances under which an interruption may be granted include:
- A) the recipient's participation in a cooperative education or study abroad program;
- B) the recipient is experiencing financial difficulties that will not permit continuous enrollment;
- C) the recipient has medical problems that will not permit continuous enrollment; or
- D) the recipient has family responsibilities that will not permit continuous enrollment.
- j) The scholar is not eligible to receive scholarship funds during the periods of postponement or interruption. The funds that would have been awarded to the scholar during that time period can be awarded to the scholar during a subsequent period of enrollment at an institution as an undergraduate student.
- k) A recipient who is subsequently determined to be ineligible shall repay ISAC the total amount of the funds received for the period during which s/he was ineligible.
- l) ISAC shall select new recipients from among the timely applicants applications--fitted by choosing the highest scoring qualified applicants on the basis of the following criteria:
- 1) Academic Data. A qualified applicant's score shall be computed as follows:
$$\frac{((\text{number in class divided by rank}) \times .05) + ((\text{grade point average divided by scale}) \times 100)}{+ ((\text{Illinois Standard Test Score} \times 10)) = \text{score}}$$
- A) Rank in class, class size and grade point average (GPA) shall be reported as of the end of the third semester prior to graduation from high school or its equivalent. An institution shall use the same class size and GPA scale in reporting all of its applicants.
- B) SAT I or ACT tests, which must be taken during the time frame identified for State Scholar eligibility (see 23 Ill. Adm. Code 2760.20(b)), shall be converted to the Illinois Standard Test Score as described in 23 Ill. Adm. Code 2760.30(b).
- C) If more than one score is submitted, the highest score is used.
- D) For applicants qualifying by virtue of their GED scores (see Section 2755.20(a)(4) of this Part), class rank shall be set at 5 out of 100 (top 5%) and average GED percentile rank shall be used in lieu of grade point average divided by scale.
- E) For those high schools that do not submit class ranks, the applicant scores shall be computed using number in class and rank as equal to one.
- 2) Geographic District. New Robert C. Byrd Honors Scholarships will be allocated within geographic districts in accordance with Appendix A of this Part. An applicant's county of residence shall be determined by his or her permanent home address.
- m) Scholarships will be awarded first to renewing applicants.
- n) Scholarship funds are applicable towards an academic year of study.
- o) New recipients are selected from each of the 15 geographic districts, and on an at-large basis, in accordance with the number of awards set forth in Appendix A to this Part. The at-large recipients shall be chosen from among the highest scoring non-selected qualified applicants statewide, regardless of their geographic district. The total number of scholarships awarded in a given fiscal year is contingent upon available funding (see Section 419D of the Higher Education Act of 1965, as amended (20 USCA 8-6-6-A- 1070d-34), Allocation Among States), notwithstanding the number of new scholarships outlined in Appendix A to this Part.
- p) Recipients will be informed of their selection by the May 1 preceding the academic year for which the scholarship was requested.
- q) High schools will be notified of the recipients attending their high school by May 1.
- r) All qualified applicants who are not selected will receive letters

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notifying them that they have not been chosen as recipients.

t) If an individual does not accept the offer of a new scholarship award, the next highest scoring qualified applicant not yet selected from the same geographic district will be chosen to receive a scholarship.

u) Each year recipients shall complete an "Eligibility Certification" that includes statements required by ED.

v) Scholarship funds shall be sent to the institution on behalf of the recipient(s).

(Source: Amended at 24 Ill. Reg. _____, effective _____)

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF PROPOSED AMENDMENT

1) Heading of the Part: State Scholar Program

2) Code Citation: 23 Ill. Adm. Code 2760

3) Section Numbers: 2760.20
Proposed Action: Amendment

4) Statutory Authority: Implementing Section 25 and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/25 and 20(f)].

5) A Complete Description of the Subjects and Issues Involved: ISAC annually reviews its rules in order to respond to market changes and client suggestions, to implement State and federal statutory amendments, to codify improvements due to technological advances, and to clarify issues that have arisen during the previous year. We also are continuing an initiative to increase the level of standardization in procedures, format and terminology throughout our programmatic rules, in order to make them easier for our clients to use. In addition to making minor technical and grammatical changes throughout this Part, ISAC proposes the following substantive amendments:

In Section 2760.20(a)(4), State Scholar Eligibility, language has been added to clarify the time frame during which the student must rank in the upper half of his/her high school class in order to be considered for State Scholar designation, consistent with the time frame already specified in Section 2760.30(a), under Program Procedures.

6) Will these proposed amendments replace an emergency rule currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed amendments contain incorporations by reference? No

9) Are there any other amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a state mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)] and does not necessitate a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to comment on this proposed rulemaking may submit written comments no later than 45 days after the publication of this notice to:

ILLINOIS STUDENT ASSISTANCE COMMISSION

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Thomas A. Breyer
Deputy Program Officer
Illinois Student Assistance Commission
1755 Lake Cook Road
Deerfield IL 60015
(847) 948-8500

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: None

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: January 2000

The full text of the Proposed Amendments begins on the following page:

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF PROPOSED AMENDMENT

TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSION

PART 2760

STATE SCHOLAR PROGRAM

Section

2760.10 Summary and Purpose

2760.20 State Scholar Eligibility

2760.30 Program Procedures

AUTHORITY: Implementing Section 25 and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/25 and 20(f)].

SOURCE: Adopted at 3 Ill. Reg. 4, p. 38, effective January 26, 1979; amended at 4 Ill. Reg. 16, p. 118, effective April 7, 1980; rules repealed, new rules adopted at 5 Ill. Reg. 7251, effective June 26, 1981; amended at 6 Ill. Reg. 8413, effective June 30, 1982; codified at 7 Ill. Reg. 10878; amended at 9 Ill. Reg. 20877, effective January 1, 1986; amended at 11 Ill. Reg. 3242, effective January 29, 1987; amended at 11 Ill. Reg. 14137, effective August 10, 1987; amended at 13 Ill. Reg. 8654, effective July 1, 1989; transferred from Chapter IX, 23 Ill. Adm. Code 1760 (State Scholarship Commission) to Chapter XIX, 23 Ill. Adm. Code 2760 (Illinois Student Assistance Commission) pursuant to P.A. 86-168, effective July 1, 1989, at 13 Ill. Reg. 17868; amended at 14 Ill. Reg. 10589, effective July 1, 1990; amended at 16 Ill. Reg. 11321, effective July 1, 1992; amended at 17 Ill. Reg. 10624, effective July 1, 1993; amended at 18 Ill. Reg. 10346, effective July 1, 1994; amended at 19 Ill. Reg. 8395, effective July 1, 1995; amended at 20 Ill. Reg. 9251, effective July 1, 1996; Old Part repealed and New Part adopted at 21 Ill. Reg. 11222, effective July 18, 1997; amended at 22 Ill. Reg. 11170, effective July 1, 1998; amended at 24 Ill. Reg. _____, effective _____.

Section 2760.20 State Scholar Eligibility

- a) To be considered for the State Scholar Program, a high school student shall:
- 1) demonstrate superior academic potential as measured by test scores and high school records;
 - 2) be a United States citizen or eligible noncitizen;
 - 3) be a resident of Illinois;
 - 4) rank in the upper half of his/her high school class at the end of the third semester prior to graduation from high school (normally the sixth semester); and
 - 5) attend an approved high school.
- b) To be considered for the State Scholar Program, a student must take either the ACT Assessment or the College Board's SAT I: Reasoning

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Test, during the third or fourth semester prior to graduation from high school (e.g., for a student attending high school for the traditional eight semesters, the exam must be taken during the fifth or sixth semester).

- 1) A student may take either or both examinations during the designated period.
 - 2) All scores from such tests taken during the designated period must be submitted to ISAC.
 - 3) If a student submits scores from multiple examinations taken during the designated period, ISAC will use the highest score.
 - 4) When a student submits scores to ISAC, the student must report his/her academic level at the time the test was taken.
- c) ISAC will accept supplementary score reports of tests taken during the designated period upon the student's authorization to the test service. Such authorization by the student must be received by ISAC before August 1.
- d) Students who, for any reason, are unable to take a test on a regular testing date should make special arrangements to be tested in accordance with the procedures of the testing service. Any such special arrangements must take into account the test score submission deadline in subsections (b) and (c) of this Section.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Organizational Chart, Description, Rulemaking Procedure, and Programs
- 2) Code Citation: 2 Ill. Adm. Code 700
- 3) Section Numbers: Adopted Action:
700.Appendix A Repealed
700.Appendix B Amended
700.Appendix D Amended
700.Appendix F Amended
- 4) Statutory Authority: Implementing and authorized by Section 5-15 of the Illinois Administrative Procedure Act [5 ILCS 100/5-15]; Appendix A implementing and authorized by the Apple and Peach Marketing Act [505 ILCS 20]; Appendices B and F implementing and authorized by the Illinois Corn Marketing Act [505 ILCS 40]; Appendix C implementing and authorized by the Egg Market Development Act [505 ILCS 55]; Appendix D implementing and authorized by the Soybean Marketing Act [505 ILCS 130]. Appendix E implementing and authorized by the Illinois Fertilizer Act of 1961 [505 ILCS 80/6A].
- 5) Effective Date of Amendment: January 12, 2000
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: Not applicable, pursuant to Section 5-15 of the Illinois Administrative Code [5 ILCS 100/5-15], and Section 100.810 of the Secretary of State's regulations addressing rulemaking (1 Ill. Adm. Code 100.810).
- 10) Has JCAR issued a Statement of Objections to this amendment? JCAR review is not required.
- 11) Difference between proposal and final version: No proposal. Not applicable, pursuant to Section 5-15 of the Illinois Administrative Code [5 ILCS 100/5-15], and Section 100.810 of the Secretary of State's regulations addressing rulemaking (1 Ill. Adm. Code 100.810).
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? No changes were required.

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENTS

13) Will this amendment replace an emergency amendment currently in effect?
No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Amendment: These amendments provide procedures to elect an initial producer board and its successors to operate a marketing program for Illinois corn and soybeans. The amendments adopted make the absentee balloting process simpler by eliminating the need for an absentee ballot to be notarized. The requirement of having an absentee ballot notarized has been a significant hindrance to producers being able to cast votes. Eliminating this requirement will promote voting. Appendix A is being repealed in accordance with the repeal of the Apple and Peach Marketing Act.

16) Information and questions regarding this adopted rule shall be directed to:

Cynthia Ervin
General Counsel
Illinois Department of Agriculture
State Fairgrounds, P.O. Box 19281
Springfield IL 62794-9281
217/785-5713
Fax: 217/785-4505

The full text of the adopted amendment begins on the next page:

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENTS

TITLE 2: GOVERNMENTAL ORGANIZATION
SUBTITLE D: CODE DEPARTMENTS
CHAPTER 1: DEPARTMENT OF AGRICULTURE

PART 700

ORGANIZATIONAL CHART, DESCRIPTION, RULEMAKING PROCEDURE,
AND PROGRAMS

SUBPART A: DESCRIPTION OF THE DEPARTMENT OF AGRICULTURE

Section	
700.10	Scope of the Department of Agriculture
700.20	Office of the Assistant Director
700.30	Division of Animal Industries
700.35	Division of Consumer Services
700.40	Division of Marketing and Promotion
700.50	Division of Agricultural Industry Regulation
700.60	Division of Fairs and Horse Racing
700.70	Division of Natural Resources
700.80	Statutorily Established Advisory Boards and Committees

SUBPART B: ORGANIZATIONAL CHART

Section	
700.100	Illinois Department of Agriculture Organization Chart

SUBPART C: REQUEST FOR INFORMATION

Section	
700.110	Information About Programs, Activities, Laws and Rules
700.120	Information On Employment

SUBPART D: PROGRAMS (LAWS) ADMINISTERED BY THE
DEPARTMENT OF AGRICULTURE

Section	
700.130	Code Indicating Administrative Enforcement
700.140	Statutes Administered by the Department of Agriculture

SUBPART E: RULES AND REGULATIONS
DEPARTMENT OF AGRICULTURE

Section	
700.150	Rules and Regulations Promulgated by the Department of Agriculture

SUBPART F: PROVISIONS AND PROCEDURES GOVERNING THE
PROMULGATION OF RULES AND REGULATIONS

Section	
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DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENTS

700.160 General, Emergency, and Peremptory Rules; Internal Rules (Agency's Organization, Description and Rule-making Procedures)

700.170 Public Participation and Comments

700.180 Consideration of Rules by Advisory Boards

700.190 Public Comment Period; Submission of Written Comments; Extending the Public Comment Period

700.200 Public Hearing Procedure

700.210 Director's Decision

700.220 Second Review Period; Final Disposition of Rulemaking

700.230 Computing Time

700.240 Interested Person May Request Rulemaking

SUBPART G: RULEMAKING FLOW CHARTS

Section General Rulemaking Initiated by Department

700.300 Rulemaking Requested by Advisory Board or Committee

700.310 Emergency or Peremptory Rulemaking by Department

APPENDIX A Marketing Program for Illinois Apples and Peaches (Repealed)

APPENDIX B Marketing Program for Illinois Corn and Corn Products

APPENDIX C Marketing Program for Illinois Eggs (Repealed)

APPENDIX D Marketing Program for Illinois Soybeans and Soybean Products

APPENDIX E Fertilizer Research and Education Program

APPENDIX F Procedures for Conducting Corn Marketing Program Referendums

AUTHORITY: Implementing and authorized by Section 5-15 of the Illinois Administrative Procedure Act [5 ILCS 100/5-15]; Appendix A implementing and authorized by the Apple and Peach Marketing Act [505 ILCS 20]; Appendix B implementing and authorized by the Illinois Corn Marketing Act [505 ILCS 40]; Appendix C implementing and authorized by the Egg Market Development Act [505 ILCS 55]; Appendix D implementing and authorized by the Soybean Marketing Act [505 ILCS 130]; Appendix E implementing and authorized by the Illinois Fertilizer Act of 1961 [505 ILCS 80/6A].

SOURCE: Rules and Regulations Relating to the Illinois Administrative Procedure Act, filed December 30, 1977, effective January 15, 1978; amended at 5 Ill. Reg. 10257, effective September 29, 1981; codified at 2 Ill. Adm. Code 450 at 5 Ill. Reg. 10255; amended at 5 Ill. Reg. 13418, effective November 24, 1981; amended at 6 Ill. Reg. 11826, effective September 21, 1982; amended at 7 Ill. Reg. 9147, effective July 26, 1983; amended at 8 Ill. Reg. 13124, effective July 12, 1984; amended at 10 Ill. Reg. 13168, effective July 25, 1986. Rules and Regulations Relating to the Procedures for the Establishment of an Apple and Peach Marketing Program, filed and effective March 10, 1972; amended at 4 Ill. Reg. 19, p.181, effective April 28, 1980; codified as 8 Ill. Adm. Code 300 at 5 Ill. Reg. 10547; Part repealed at 6 Ill. Reg. 10908, effective August 26, 1982; new Part adopted at 7 Ill. Reg. 11154, effective August 31, 1983. Corn Marketing Program adopted at 3 Ill. Reg. 47, p. 72,

effective November 9, 1979; codified as 8 Ill. Adm. Code 310 at 5 Ill. Reg. 10549; Part repealed at 6 Ill. Reg. 10909, effective August 26, 1982; new Part adopted at 7 Ill. Reg. 3407, effective March 21, 1983. Rules and Regulations Relating to the Procedures for the Establishment of an Egg Marketing Program, filed January 3, 1973, effective January 13, 1973; codified as 8 Ill. Adm. Code 320 at 5 Ill. Reg. 10551; Part repealed at 6 Ill. Reg. 10915, effective August 26, 1982; new Part adopted at 7 Ill. Reg. 11171, effective August 31, 1983. Rules and Regulations Relating to Procedures for the Establishment of a Soybean Marketing Program, filed March 20, 1974, effective April 1, 1974; amended May 2, 1974, effective May 12, 1974; codified as 8 Ill. Adm. Code 330 at 5 Ill. Reg. 10553; Part repealed at 6 Ill. Reg. 10916, effective August 26, 1982; new Part adopted at 7 Ill. Reg. 11189, effective August 31, 1983. 2 Ill. Adm. Code 450 recodified to 2 Ill. Adm. Code 700, 8 Ill. Adm. Code 310 recodified to 2 Ill. Adm. Code 700.Appendix A, 8 Ill. Adm. Code 320 recodified to 2 Ill. Adm. Code 700.Appendix B, 8 Ill. Adm. Code 330 recodified to 2 Ill. Adm. Code 700.Appendix C, and 8 Ill. Adm. Code 330 recodified to 2 Ill. Adm. Code 700.Appendix D at 11 Ill. Reg. 15602, effective September 10, 1987; amended at 11 Ill. Reg. 18605, effective October 28, 1987; amended at 12 Ill. Reg. 6648, effective March 25, 1988; amended at 12 Ill. Reg. 22135, effective December 8, 1988; amended at 13 Ill. Reg. 5066, effective March 31, 1989; amended at 14 Ill. Reg. 584, effective December 27, 1989; amended at 14 Ill. Reg. 4093, effective March 2, 1990; amended at 14 Ill. Reg. 9009, effective May 29, 1990; amended at 14 Ill. Reg. 20586, effective December 14, 1990; amended at 15 Ill. Reg. 6105, effective April 16, 1991; amended at 16 Ill. Reg. 3893, effective February 28, 1992; amended at 17 Ill. Reg. 19895, effective November 8, 1993; amended at 20 Ill. Reg. 12773, effective September 5, 1996; amended at 24 Ill. Reg. 1564, effective January 12, 2000.

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Section 700. APPENDIX A Marketing Program For Illinois Apples and Peaches
(Repealed)

Agency Note:--Section 17 of the "Apple and Peach Marketing Act" (Ill. Rev. Stat. 1981, ch. 5, par. 367) requires any apple and peach marketing program that is approved by Illinois apple and peach producers through referendum to be filed by the Department of Agriculture as provided in Section 5-65 of the "Illinois Administrative Procedure Act" (Ill. Rev. Stat. 1991, ch. 127, par. 1005-65). The filing of the adopted program is exempt from the rulemaking requirements of Sections 5-35 and 5-40 of the "Illinois Administrative Procedure Act" and the program is exempt from review under Sections 5-100, 5-105, 5-110, 5-120, 5-125 and 5-130 of the "Illinois Administrative Procedure Act". In 1980, a Marketing Program for Illinois Apples and Peaches was approved through referendum.

ARTICLE B-I

PURPOSE:

This program is developed to aid and enhance the economic position of Illinois apple and peach producers. It is important that these producers receive and maintain an equitable level of income if they are to continue to produce.

To accomplish this objective, it is essential to support horticulture research, conduct market research to develop new and larger markets, support nationwide apple and peach marketing organizations and cooperate with other states or regional marketing organizations in programs for apples and peaches, establish orderly and efficient methods of marketing apples and peaches, develop promotion and public relation programs designed to educate handlers, distributors and consumers of the quality and availability of Illinois apples and peaches and their products, develop information services, and elect a board to operate this program who will assess and collect monies from affected growers to accomplish these objectives.

ARTICLE B-II

AUTHORITY:

This marketing program for Illinois apples and peaches, its procedures and regulations, is established pursuant to "An Act in relation to apple and peach marketing programs," being Public Act #77-1037, approved August 27, 1971 (Illinois Revised Statutes, Chapter 57, Paragraph 351 et seq.).

ARTICLE B-III

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PROGRAM-EXEMPT:

All producers of apples and/or peaches in Illinois are subject to and are qualified to participate in this program, except those producers who have less than 250 apple or peach trees or a combined total of less than 250 apple and peach trees.

ARTICLE IV

DEFINITIONS:

Terms used in this marketing program shall be as defined in the Act and as follows unless the context clearly requires otherwise:

"Act" means "An Act in relation to apple and peach marketing programs," approved Aug. 27, 1971, as amended (Ill. Rev. Stat. Ch. 57, Para. 351 et seq.).

"Apples and peaches" means apples and peaches produced in Illinois in their natural state.

"Bushel" means 42 pounds of apples and 50 pounds of peaches.

"Director" means the Director of the Department of Agriculture of the State of Illinois.

"Distributor" means any person engaging in selling, offering for sale, marketing or distributing apples and peaches purchased or acquired from a producer or marketing on behalf of a producer, but does not include a retailer unless such retailer purchases or acquires from or handles on behalf of any producer apples and peaches not previously subject to regulation by any marketing program.

"District" means the geographical divisions of the State established pursuant to this marketing program.

"Department" means the Department of Agriculture of the State of Illinois, State Fairgrounds, Springfield, Illinois 62706.

"Handler" means any person engaged in the business of grading, packing, selling, offering for sale or marketing any apples and peaches grown by an affected producer in Illinois.

"Person" means any natural person, partnership, corporation, society, association, representative or other fiduciary.

"Processor" means any person engaged in the business of canning

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freezing, dehydrating, fermenting, distilling, extracting, preserving, grinding, crushing, juicing, packaging or in any other way changing the form of any apples and peaches.

"producer" means any person engaged in this State in the business of producing or causing to be produced for any market apples and peaches.

"program operating board" hereafter referred to as "board" means the board elected to administer this program in cooperation with the Director.

"eligible voter" "qualified producer" and "affected producer" means any person defined as a producer in this program, who is affected by their products processed by him and receives payment for such at the first point of sale.

"storage" means any building, structure or place where apples or peaches are stored in cold, refrigerated, or controlled atmosphere storage.

"sale" or "sold" means a transaction wherein the property in or to apples and peaches is transferred from the producer to a purchaser for consideration.

ARTICLE V

MARKETING PROGRAM AREA:

The area affected by this program shall be the sovereign territory of the State of Illinois.

ARTICLE VI

PROGRAM OPERATING BOARD:

Section 1. Establishment and Membership.

A program operating board is hereby established with powers and duties as authorized pursuant to the Act and this program. The board shall be composed of 7 members elected from districts as provided in Section 2 of this Act and an ex officio member as specified by the Act (Director of Agriculture or designated agent). The Dean of the College of Agriculture at the University of Illinois or his designated staff member and the President of the Illinois State Horticulture Society may serve as advisors to the board. The 7 members shall be

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elected one from each district.

Section 2. Representative Districts:

For the purpose of nomination and election of members to the board the territory of the State of Illinois shall be divided into 7 representative districts as follows:

ONE--Alexander, Piskis, Massac, Union, Johnson, Pope, Hardin, Williamson, Saline, Gallatin, Franklin, Hamilton and White.

TWO--Jackson, Randolph, Perry, Washington, Jefferson, Wayne, Edwards, Wabash, Clay, Richard, Lawrence, Jasper and Crawford.

THREE--Monroe, St. Clair, Clinton, Marion, Madison and Bond.

FOUR--Cathoun.

FIVE--Jersey, Greene, Scott, Morgan, Macoupin, Sangamon, Montgomery, Christian, Payette, Shelby, Macon, Effingham, Monticello, Piatt, Champaign, Douglas, Coles, Cumberland, Clark and Edgar.

SIX--Pike, Brown, Adams, Hancock, Schuyler, McDonough, Henderson, Warren, Mercer, Rock, Island, Knox, Putney, Cass, Menard, Mason, Peoria, Stark, Marshall, Woodford, Rzewski, Logan, DeWitt, McLean, Livingston, Ford, Kankakee, Iroquois and Vermilion.

SEVEN--Henry, Bureau, Putnam, Whiteside, Lee, Carroll, Oglesby, Davies, Stephenson, Winnebago, DeKalb, Boone, McHenry, Kane, Kendall, Grundy, Will, DuPage, Cook and Lake.

Section 3. Board Membership Qualifications:

Board members shall be residents of the State of Illinois of legal voting age and be subject to the program. Board members shall be active producers of apples and/or peaches in the State of Illinois and in the district in and for which they are nominated and elected. The qualifications of members as set forth herein must continue during their term of office or their office shall be declared vacant.

Section 4. Term of Office:

The term of office of a board member shall be three (3) years or until his successor is elected and qualified except for the initial board which shall be as provided in Section 5 of this Act.

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A--term--of--office--shall--terminate--on--March--31st--of--the--year--in--which--the--board--member's--office--expires;

No--producer--shall--serve--as--a--board--member--for--more--than--two--consecutive--3--year--terms--of--office.

Section-5.--Initial-Board:

The--initial--7--member--board--shall--be--elected--on--the--same--ballot--and--at--the--same--time--as--the--referendum--is--held--on--this--marketing--program;

The--initial--members--of--the--board--shall--serve--from--the--effective--date--of--this--marketing--program--in--terms--of--office--as--follows:

There--shall--be--three--(3)--offices--with--a--three--year--term;--two--(2)--offices--with--a--two--year--term;--and--two--(2)--offices--with--a--one--year--term;

These--initial--terms--of--office--shall--expire--as--follows:

The--one--(1)--year--terms--shall--expire--March--31--1982;

The--two--(2)--year--terms--shall--expire--March--31--1983;

The--three--(3)--year--terms--shall--expire--March--31--1984;

The--term--of--office--for--each--initial--board--member--shall--be--determined--by--a--drawing--at--the--first--meeting--of--the--board--The--term--of--office--established--by--the--drawing--shall--be--the--term--of--office--for--the--member's--representative--district;

Section-6.--Nomination:

A: Procedure--for--nominating--candidates--for--election--to--the--initial--board--The--Director--and--temporary--operating--committee--shall--appoint--in--each--district--a--nominating--committee--consisting--of--three--(3)--qualified--producers--who--shall--nominate--at--least--one--(1)--and--not--more--than--two--(2)--qualified--producers--as--candidate(s)--for--election--as--the--representative--member--of--that--district--on--the--initial--board--The--name(s)--of--the--candidate(s)---shall--be--placed--on--the--referendum--ballot;

Each--district--nominating--committee--shall--within--15--days--after--appointment--file--with--the--Director--and--the--temporary--operating--committee--the--name(s)--of--the--candidate(s)---for--its--district--The--Director--and--the--temporary--operating--committee--shall--immediately--make--public--each--district's--nominating--committee--report;

B: Procedure--for--the--nomination--of--candidates--in--subsequent--year

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elections--the--board--shall--not--earlier--than--December--31st--nor--later--than--December--31st--give--notice--to--all--producers--in--a--district--wherein--a--vacancy--on--the--board--will--occur--on--March--31st--of--the--following--year--The--board--shall--during--this--period--(December--1--December--31)---appoint--a--nominating--committee--consisting--of--three--(3)--qualified--producers--in--each--district--where--a--vacancy--will--occur;

Each--such--district--nominating--committee--shall--nominate--at--least--one--(1)--and--not--more--than--two--(2)--qualified--producers--as--candidate(s)---for--election--as--the--representative--member--for--its--district;

The--nominating--committee--shall--file--with--the--Director--the--name(s)---of--the--candidate(s)---to--be--placed--on--the--election--ballot--not--later--than--January--15th--of--the--year--in--which--the--election--is--to--be--held;

C: Procedure--for--nomination--by--petition--(initial--and--subsequent--years):

1: INITIAL:--Any--qualified--producer--may--have--his--name--placed--on--the--referendum--ballot--as--a--candidate--for--election--in--his--district--if--he--files--a--petition--signed--by--at--least--25--qualified--producers;

The--petition--must--be--filed--with--the--Director--and--the--temporary--operating--committee--within--15--days--after--the--public--announcement--of--each--district's--nominating--committee--report;

2. SUBSEQUENT YEARS:--Any--qualified--producer--may--have--his--name--placed--on--the--ballot--in--his--district--if--he--files--a--petition--signed--by--at--least--25--qualified--producers;

The--petition--must--be--filed--with--the--Director--not--later--than--February--15th--of--the--year--in--which--the--election--is--to--be--held--in--that--district;

Section-7.--Election--of--Board--Members--in--Subsequent--Years:

Each--district--having--a--vacancy--created--on--the--board--by--an--expiring--term--shall--hold--an--election--to--fill--the--vacancy--The--election--shall--be--held--during--the--month--of--March--of--the--year--in--which--the--term--expires;

The--district's--representative--member--of--the--board--shall--be--elected--by--mail--ballot--All--election--ballots--shall--be--mailed--by--first--class--mail--by--the--Director--to--all--eligible--voters--of--record--in--the--district--in--which--an--election--is--being--held;

This--shall--be--the--procedure--unless--the--Director--determines--as--provided--in--Section--11--of--the--Act--that--a--geographically--located--polling--place(s)---would--more--readily--effectuate--the--election;

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A--period--of--30--days--from--the--date--of--mailing--of--the--ballot--shall--be allowed--for--the--return--of--such--ballots.

Ballots--shall--be--returned--to--the--Director--by--mail--or--by--personal delivery--by--the--voting--producers--at--such--address--as--may--be--determined by--the--Director. This--address--shall--be--clearly--stated--along--with--the purpose--of--the--ballot--and--the--voting--period.

Control--of--ballots--for--all--elections--shall--be--maintained--by--the Director.

When--requested--the--Director--shall--provide--with--the--advice--of--the board--a--ballot--to--any--qualified--producer--whose--name--does--not--appear on--the--list--of--qualified--producers--maintained--by--the--board.

The--election--ballot--in--each--district--shall--contain--the--name(s)--of--the candidate(s)--nominated--by--the--district's--nominating--committee--and--the name(s)--of--any--petitioned--candidate(s). The--name(s)--of--the--district's candidate(s)--shall--be--placed--on--the--ballot--in--alphabetical--order--by surname--with--space--provided--for--a--write--in--candidate.

Each--affected--producer--shall--be--entitled--to--one--vote.

A--teller--committee--shall--be--appointed--by--the--director--to--count--the ballots--and--determine--the--results--of--the--election.

Any--information--required--in--the--voting--procedure--shall--be--held--in confidence--and--not--made--public--in--any--manner--except--as--required--in determining--the--results--of--the--election.

The--candidate--receiving--the--greatest--number--of--votes--in--the--election shall--be--the--district's--representative--on--the--board.

The--elected--board--member--shall--take--office--effective--April--1st--of--the year--in--which--he--is--elected.

Section-8. Power-and-Duties-of-the-Board.

The--board--shall--have--the--following--power--and--duties:

(a) To--administer--enforce--direct--and--control--the--provisions--of this--program--as--its--administrative--board--pursuant--to--the authority--contained--in--the--Act;

(b) To--elect--a--chairman--vice-chairman--treasurer--and--such--other officers--as--it--deems--necessary--as--set--by--rule--and--regulation;

(c) To--adopt--rescind--and--amend--rules--and--regulations--necessary--for

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the--administration--and--operation--of--this--marketing--program.

(d) To--exercise--the--powers--and--authority--conferred--upon--it--by--the--Act and--any--other--applicable--State--or--Federal--laws.

(e) To--keep--accurate--books--records--account--and--minutes--of--all board--meetings--and--dealings--which--shall--be--open--to--examination--by the--Director--other--state--agencies--and--affected--producers.

(f) To--have--the--records--(expenditures--and--receipts)--audited--by--an independent--public--accountant--or--an--entity--permitted--to--engage--in the--practice--of--public--accounting--under--Section--15--of--the--Act--to regulate--the--practice--of--public--accounting--and--to--repeal--certain Acts--therein--named--approved--July--27--1943--as--amended--at--least annually--and--provide--within--30--days--after--completion--of--an--audit the--results--to--the--Director.

(g) To--publish--annually--an--activity--and--financial--report--and--provide such--to--all--affected--producers.

(h) To--employ--and--discharge--at--its--discretion--such--administrator--and personnel--attorney--advertising--promotional--and--research agencies--and--other--persons--and--firms--as--it--may--deem--appropriate and--pay--compensation--to--the--same--in--accordance--to--this--program and--the--Act.

(i) To--prepare--a--budget--or--budgets--covering--anticipated--income--and expenses--to--be--incurred--in--carrying--out--this--marketing--program during--each--fiscal--year.

(j) To--collect--the--assessments--from--producers--as--provided--in--this marketing--program--and--to--expend--the--same--in--accordance--with--and to--effectuate--the--purpose--of--the--Act--and--the--program.

(k) To--accept--donations--gifts--and--other--property--to--be--used--for program--purposes.

(l) To--receive--and--investigate--or--cause--to--be--investigated-- complaints--and--violations--of--this--program--and--the--Act--and--to--take such--action--as--is--necessary--within--this--authority.

(m) To--cause--fidelity--bonds--to--be--filed--on--all--persons--necessary--to assure--the--protection--of--program--funds.

(n) To--establish--a--headquarters--from--which--to--operate--the--program.

(o) To--establish--account(s)--in--adequately--protected--financial institutions--to--receive--hold--and--disburse--program--monies.

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- (p) to approve and recommend desirable amendments to the program;
- (q) to perform such other duties which are necessary to the proper operation of this program and as authorized by the Act;

Section 9. Board Procedure and Compensation:

A. The board shall by resolution establish a headquarters which shall be the principal place of business until so changed by the board. Records, books and minutes of board meetings shall be kept at this headquarters.

B. The board shall hold regular meetings at least quarterly with the time and date thereof to be fixed by resolution of the board; however, the board must hold a meeting during the month of April each year to reorganize the board. Board meetings shall be considered public.

C. Election of Board Officers: The officers of the board shall be elected by and from the members of the board annually during the month of April. Each shall hold office until his successor has been duly elected; provided, however, that any officer may be removed from office with cause by an unanimous vote of the remaining members of the board. A vacancy in any office shall be filled by election at the next official meeting of the board.

D. Newly elected members of the board shall take office on April 1st of each year except that the initial board shall take office immediately upon the approval by referendum of this program.

E. The ex-officio member of the board (Director of Agriculture) shall call the initial meeting of the board and shall preside until a chairman is properly elected.

F. Four (4) of the voting members of the board shall constitute a quorum for the transaction of all business and the carrying out of all duties of the board.

G. Any action taken by the Board shall require the majority vote of the members present; provided a quorum is present.

H. The duties of the chairman shall be to:

- (1) Preside at all meetings of the board;
- (2) Call special meetings of the board when deemed necessary;
- (3) Have general supervision of the affairs of the board and perform all acts and duties usually incidental to and required of a

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presiding officer:

H. The duties of the vice chairman shall be to perform the duties of the chairman in his absence and such other duties as determined by the members of the board.

I. The duties of the treasurer shall be: to have custody of all money, property, and securities belonging to or under the control of the board; and of any fidelity bonds covering officials or employees of the board; and cause to be deposited all money and securities promptly for and in the name of the program in such financial institutions as are approved by the board and to act as chairman in the absence of both the chairman and the vice chairman.

J. In the absence of the chairman, vice chairman, and treasurer from any duly called meeting and if a quorum is present, they may elect from one of their number a temporary chairman to preside at that meeting of the board.

K. Meetings of the board may be called at any time by the chairman or in case of his absence or incapacity, the vice chairman or treasurer or shall be called by the chairman upon written request of any two or more members of the board; such request shall state the timely place and purpose of the meeting.

L. The members of the board shall be reimbursed for expenses necessarily incurred by them in the performance of their duties and in the exercise of their powers.

M. All voting members on the apple and peach marketing board are entitled to actual and necessary travel and incidental expenses while attending meetings of the board or while engaged in the performance of official responsibilities as determined by the board.

Section 10. Limitation of Liability of Board Members and Employees:

Obligations incurred by the board and any other liabilities or claims against the board shall be enforced only against the assets of the board in the same manner as if it were a corporation and no liability for the debts or actions of the board shall exist against either the State of Illinois or any subdivision or instrumentality thereof or against any board established pursuant to the Act or the assets thereof or against any member, officer, employee or agent of the board in his individual capacity. The members of the board, including employees thereof, shall not be held responsible individually in any way whatsoever to any person for errors in judgment, mistakes or other acts, either of commission or omission, as a principal, agent, person, or employee, except for their own individual acts which result

in a violation of any law. No such person or employee shall be held responsible individually for the act or omission of any other member of the board. The liability of the members of the board shall be several and not joint and no member shall be liable for the default of any other member.

Section iii. Board Vacancies.

Procedure for filling. Vacancies occurring on the board during an unexpired term of office shall be filled by the Director with an appointee who is a qualified producer from the district affected by the vacancy. The appointee shall serve as the district's representative on the board for the duration of the unexpired term of office.

The remaining members of the board shall immediately upon a vacancy occurring on the board appoint a nominating committee of three producers from the district having the vacancy. This nominating committee shall within 15 days after appointment submit to the Director the names of at least three (3) qualified producers from the district as nominees. The Director shall within 10 days of receipt of the names of the nominees appoint one (1) to fill the unexpired term of office.

ARTICLE VII

REFERENDUMS

Section i. Initial Referendum.

A. The initial program adoption referendum ballot shall provide for the question of adoption of the program with a place to vote "yes" or "no" and shall also provide for the election of the initial members of the program operating board.

B. In the initial referendum a ballot and affidavit shall be made available to all eligible voters at the county extension office or from the Director of the Department of Agriculture. The Director shall provide for a period of 30 days during the time each eligible voter may vote at the county extension office in his/her county of residence. Each eligible voter shall be required to sign an affidavit stating that such person did produce and receive income from the sale of apples and/or peaches within the last preceding marketing season.

C. Each eligible voter's ballot shall be placed in an unmarked envelope and sealed by such person. This envelope and the eligible voter's affidavit shall be placed in another envelope addressed to the

Director of the Department of Agriculture and such envelope shall be sealed by the eligible voter and filed with the person(s) designated in the county extension office who shall supervise the referendum.

B. Each county extension advisor or his representative shall make available to any person requesting a ballot and affidavit to vote in any apple and peach marketing referendum. Such advisor shall maintain a registry of all persons requesting and receiving an affidavit and ballot. The registrar shall state the name(s) and address(es) of persons voting in the referendum. The county extension advisor shall be responsible for protecting all ballots until such time as they are delivered to the Director of Agriculture or a designated representative of the Director. All unused ballots shall be delivered to the Director or his representative at the same time as the extension advisor delivers all voted ballots. The extension advisor may deliver the registry, all voted ballots, and unused ballots to the Director either in person or by mailing such documents to the Director at the Department's Springfield address by certified mail. Return receipt requested. Each extension advisor shall keep a copy of the voter registry in the extension office for a period of at least 30 days after the close of the referendum.

B. Paragraphs B-1, B-7, and K of Section 2 of this Article shall apply to the initial referendum.

Section 2. Subsequent Referendums.

A. The Director shall hold referendums as they pertain to this program as provided for in such Sections as 9, 10, 11, 12, 13, 14, and 15 of the Act.

B. All referendums after the initial referendum shall be by a ballot mailed by first class mail to all eligible voters of record unless the Director determines as provided in Section 11 of the Act that geographically located polling places would more readily effectuate the purpose of the referendum. If voting is done at geographically located polling places, the same procedure as established for the initial referendum shall be followed.

C. A period of 30 days from the date of mailing of the ballot shall be allowed for the return of such ballots.

B. The referendum ballot used in each district will contain only the name(s) of the candidate(s) for its district. The name(s) of the candidate(s) in each respective district shall be placed on the ballot in alphabetical order by surname with space provided for a write-in candidate.

B. The Director shall provide a ballot to any qualified producer whose

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name--does not appear on the list of qualified producers maintained by the board after their establishment.

F. Control of ballots for all referendums shall be maintained by the Director.

G. Ballots shall be returned to the Director by mail or by personal delivery by the voting producers at such address as may be determined by the Director. This address shall be clearly stated along with the purpose of the ballot and the voting period. All such information shall be at the head of the ballot.

H. Each affected producer shall be entitled to one vote.

I. A teller committee to count the ballots and determine the results of the referendum shall be appointed by the Director in the case of the initial referendum and in the case of subsequent referendums.

J. Any information required in the voting procedure shall be held in confidence and not made public in any manner except as required in determining the results of the referendum.

K. A program or an amendment to a program or the question of continuation or termination of a program is approved when a majority of those voting in the referendum vote in favor of its passage.

ARTICLE VIII

PROGRAM

Section 1. Research.

A. The board, subject to the provisions of this program and the Act, is authorized to carry on or cause to be carried on any necessary and proper marketing, production, distribution or handling, research or survey studies related to apples and peaches and their products and to expend monies for such purposes.

B. The advice of the Agricultural Experiment Station, College of Agriculture, University of Illinois, and also the Colleges of Agriculture at other state supported colleges and universities may be sought by the board in the development of research proposals. Insofar as practical, such research shall be carried out by the Experiment Station and the state colleges and universities.

G. Such research and survey studies may include but shall not be necessarily limited to the following:

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(1) production problems, such as soil, seed, fertilizer, irrigation, pesticides, etc.

(2) Improving the techniques and methods for harvesting apples and peaches.

(3) Improving storage and handling techniques which promote more efficient operation in the marketing and distribution of apples and peaches.

(4) Investigating transportation rates, handling costs, routes, media, and other aspects of moving apples and peaches in trade channels if the board after such investigation finds transportation service, rates, costs or other factors to be restricting the flow of apples and peaches produced in this State the board may request that the Director take necessary action to correct the situation.

(5) Conduct market research investigations to improve the marketing of apples and peaches at any stage of the marketing process deemed advisable by the board.

B. The board may in addition to the activities enumerated above carry on or cause to be carried on any other proper and necessary research and survey programs and activities consistent with the subject to the limitations of the Act. Such research or survey studies may include the collection of data and information, the dissemination of such data, information and analysis, and such other investigations that fall within the scope of the producing, handling, distribution or marketing of apples and peaches.

Section 2. Market Development Programs.

A. The board, subject to the provisions of this program and the Act, is authorized to plan and establish market development programs which will result in the opening of new markets for apples and peaches and their products or which will result in the expansion of existing markets. These activities may be carried out in connection with research, educational, advertising, promotion or any other program or programs available to the board and may include, but not limited to the following:

(1) Preparation and dissemination of marketing information to include supply information, demand information, quality characteristics and other facts concerning apples and peaches.

(2) Investigate markets for the purpose of providing information related to Illinois apples and peaches and their products.

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- (3) Participate in trade fairs, exhibitions, food shows, and other such activities for the purpose of developing markets.

Section 3. Educational Program.

The board is authorized to provide educational materials and to develop and conduct educational programs pertaining to apples and peaches and their products.

Section 4. Advertising and Sales Promotion.

A. The board, subject to the provisions of this program and the Act, is authorized to plan, prepare, administer and conduct programs and expend monies for advertising and sales promotion to promote the sale of Illinois apples and peaches in domestic and foreign markets for the purpose of maintaining existing markets or creating new or larger markets for apples and peaches grown in the State of Illinois, including but not limited to the following:

(1) Increasing the sale and consumption of Illinois produced apples and peaches whether fresh or processed through the use of any advertising media available.

(2) Trade promotion and market expansion activities.

B. In carrying out any advertising and sales promotion plans or programs the board may engage or hire advertising media as necessary to accomplish the purposes of this program and the Act, and may cooperate with others in engagement and hire of such media, and may use any other methods consistent with this program and the Act which the board considers appropriate in promoting or creating new and larger markets for apples and peaches or maintaining existing markets. The board may support nationwide apple and peach marketing organizations or cooperate with other states or regional marketing organizations in programs for apples and peaches.

C. Programs and plans adopted by the board under this program shall be directed toward the promotion of the sale of apples and peaches and their products without reference to any individual brandy, trade name, or private label. Sales and advertising programs so conducted shall not disparage the value, quality, safety or use of any other agricultural commodity or make any use of any unwarranted or false claims on behalf of apples and peaches.

ARTICLE IX

ASSESSMENTS.

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Section 1. Assessments levied.

On and after the effective date of this program there is levied and shall be collected by the board as provided by Sections 18 and 21 of the Act an assessment upon all apples and/or peaches produced in Illinois which are subject to this program. Such assessment shall be paid by each producer upon all apples and/or peaches sold as set forth in Section 2 of this Article, however, no assessment shall be collected on the following:

(a) Apples and peaches from producers who have less than 250 apple or peach trees or a combined total of less than 250 apple and peach trees.

(b) Apples and peaches of a producer-owned production used by him on his own premises for personal consumption.

(c) Apples and peaches or their products donated for charitable purposes.

(d) Apples and peaches produced and sold by a person whose production is exempted by this program from the provisions of this program.

It shall be the duty of the board, pursuant to Section 4 of the Act and as authorized in this program, to determine as shall be necessary, and to verify producers of apples and peaches in Illinois whose production of apples and peaches is less than the quantity set by this program for a producer to be subject to this program.

To facilitate factual and accurate information services and to provide a basis for budget estimation and adjustments the board may request each apple and peach producer to file with the board each year by June 15th on forms prescribed and supplied by the board a declaration of estimate of crops to be harvested and the intended disposition of such to processors, storage or other sales or shipments.

Section 2. Assessment Rates.

A. The assessment of 2 1/2 cents per bushel on all apples and/or peaches regardless of grade sold for fresh market utilization.

B. The assessment shall be 3 cents per hundred weight for all apples and/or peaches of U.S. No. 1 Canner grade or better utilized by the producer and/or sold for processing purposes for other than cider or juice or juice products.

C. The total maximum assessment levied on the apples or peaches of any affected producer shall not exceed 5¢ of the gross amount received by

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the producer for the apples or peaches.

ARTICLE X

PAYMENT AND COLLECTION OF ASSESSMENTS, RIGHT OF REFUND

Section 1. Assessment Procedures.

A: All assessments made and levied pursuant to the provisions of the Act and the program shall be paid by the respective affected producer who shall be liable, therefore as provided by Sections 10 and 21 of the Act.

B: Assessments shall be accounted, reported, and paid by the producer except when requested by the producer in writing, and authorized by the board in writing, reported and paid by a producer's marketing organization, or the processor to or through whom the producer sells apples or peaches, with the proper assessment deducted from monies due the producer. All monies so deducted and collected by one of the before mentioned persons shall be due and payable immediately to the board for credit to the producer's assessment obligation.

C: Payments of assessments shall be accounted, reported and paid in quarterly payments as a producer's apples and/or peaches are sold. The first quarterly payment shall be due and payable within 30 days after March 31st, the second within 30 days after June 30th, the third within 30 days after September 30th, and the final payment within 30 days after December 31st.

B: Each quarterly payment shall be the assessment on the sales for the three months preceding the applicable due date, except the 3rd quarter assessment payment may be accounted, reported and paid on estimated sale for that quarter. The fourth and final quarterly payment shall be the final accounting for the program's year. Should a producer's marketing be completed for the year in a particular quarter, he should so indicate on this quarterly report that this is the final for the season.

Section 3. Right of Refund.

A: Any affected producer may request and receive that each assessment paid by him/her be refunded, in whole or any portion thereof.

B: A producer may request such refund by making application in writing to the board. The refund shall be payable only when the application has been made to the board within 60 days after the payment of the assessment.

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E: If a producer has not received a refund within 90 days after the date of application, then interest at the rate of 6% per annum shall be paid upon the amount of refund requested.

Section 3. Initial Program Advance Assessment Deposit.

A: To provide funds to defray expenses prior to receipt of monies from the first quarter assessment after a program is approved, the board is authorized and may require each affected producer to make an advance assessment deposit.

B: Advance deposits for each producer shall be based upon the estimated quantity of apples or peaches to be produced during the ensuing marketing season, but in no event shall such deposits exceed 20% of the estimated total assessment for the year.

C: As soon as practicable the sums deposited by each producer shall be adjusted to the amount which is chargeable against each producer upon the basis of the actual quarterly sales of apples and peaches marketed by such producer during the applicable marketing season.

B: This section shall only apply to the first quarter of operation of this program.

ARTICLE XI

FUNDS

Section 1.

The board shall deposit all monies collected pursuant to this program in an account as established in Article VI of this program. Expenses and disbursements incurred and made pursuant to the Act and this program shall be made by voucher, draft or check bearing the signature of the treasurer or one other person designated by majority vote of the board, which person shall be either a member or an employee of the board.

Section 2.

Monies collected by the board pursuant to the Act and this program as assessments shall be used by the board only for the purposes of paying for the costs or expenses arising in connection with carrying out the purposes and provisions of the Act and this program.

Expenditures shall be prorated as equitably as possible based on the amount of monies collected from assessments on apples and assessments

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APPEALS:

Section-1:

Any person subject to this program may appeal to the Director and the board to review any administrative decision. Any such appeal must be filed in writing setting forth the facts upon which it is based.

Section-2:

Pending the disposition of any appeal set forth in Section 1 of this Article, the party shall abide by the decision of the Director. The Director shall rule otherwise. The Director shall, if the facts stated show reasonable grounds, revise any order or decision upon which an appeal is taken.

ARTICLE XV

DEROGATION:

Section-1:

Nothing contained herein is or shall be construed to be in derogation or in modification of the rights of the Director or of the State to exercise any powers granted by the Act or otherwise and in accordance with such powers to act in the premises whenever such action is deemed advisable.

ARTICLE XVI

COOPERATION WITH OTHER AGENCIES:

The board, with the assistance of the Director and subject to the provisions of the Act, is authorized to cooperate with agencies of the United States government, the State of Illinois and other states as deemed by the board and the Director to be desirable and useful in effectuating the purposes of this program and the Act.

(1) Coordination and cooperation in promotion, advertising, educational programs, informational programs, disease control, marketing and transportation research and any of the several areas of authority authorized by the program and the Act.

(2) Coordination of purposes with other boards, commissions or any other marketing group in the State or other states or foreign countries so long as such cooperation is in the best interest of the

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on peaches:

ARTICLE XIII

INFORMATION REPORTS:

Section-1:

All persons subject to this program and the Act shall make and render such reports and furnish such information to the Director and the board as may be necessary or required to effectuate the purposes thereof. Information obtained by any person pursuant to this Article shall be confidential and shall not be disclosed to any other person save a person with the right to obtain the same or any attorney employed by the board to give legal advice thereon or by court order.

ARTICLE XIII

RULES AND REGULATIONS:

Section-1:

A public hearing may be held on all rules and regulations before they are adopted by the board or the Department. Public notice of such hearing shall be in accordance with an Act in relation to meetings, approved July 11, 1957, as amended (Chapter 102, Paragraph 41 et seq, Illinois Revised Statutes).

Section-2:

All rules and regulations adopted by the board pursuant to the program shall be presented to the Director for approval. Rules and regulations adopted by the board and approved by the Director and any rule and regulation promulgated by the Director shall be filed in accordance with the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1917 ch. 127, par. 1031, 5-1007, 5-1057, 5-1107, 5-125 and 5-130 et seq.).

Section-3:

All rules and regulations promulgated pursuant to the Act shall be made available to those persons affected by this program and the Act.

ARTICLE XIV

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apple-and-peach-producers-of-illinois:

ARTICLEB-XVII

EXPEDITIOUS-TIME:

Section-1:

This--marketing--program--and--any--amendments--thereto--shall--become effective--immediately--upon--their--being--approved--by--referendum--and shall--continue--in--effect--unless--suspended--by--the--Director--as--provided in--Section-13--of--the--Act:

ARTICLEB-XVIII

SEVERABILITY:

Section-1:

If--any--provision--of--this--marketing--program--or--the--Act--shall--be declared--invalid--or--the--applicability--thereof--to--any--person, circumstance--or--thing--is--held--invalid--the--validity--of--the--remainder of--this--marketing--program--or--the--Act--or--the--applicability--thereof--to any--person,--circumstance,--or--thing--shall--not--be--affected:

ARTICLEB-XIX

PENALTIES:

"Section-21.--Any--due--and--payable--assessment--required--under--the--provisions--of any--marketing--program--created--under--this--Act--constitutes--a--personal--debt--of every--person--so--assessed--or--who--otherwise--owes--such--assessment:--Such assessment--is--due--and--payable--to--the--program--operating--board--when--payment--is stipulated--in--the--marketing--program--and--called--for--by--the--program--operating board:--In--the--event--any--person--fails--to--remit--the--full--amount--of--such--due assessment--or--such--other--sum--within--30--days--after--the--due--date,--the--person owing--such--assessment--shall--be--given--an--opportunity--to--present--his--case--as provided--for--in--Section-23--of--this--Act:--When--established--that--the--assessment is--correct,--the--program--operating--board--may--add--to--such--unpaid--assessment--or sum--a--penalty--amount--not--exceeding--10%--of--the--amount--due--to--defray--the--cost--of enforcing--the--collection--of--the--assessment--or--sum--due:--In--the--event--of--failure to--such--person--to--remit--any--property--due--assessment--or--sum,--the--program operating--board--may--bring--a--civil--action--against--such--person--in--the--circuit court--of--any--county--for--the--collection--thereof,--together--with--the--above additional--specified--10%--penalty--assessment--and--court--costs:

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Such--action--shall--be--tried--and--judgment--rendered--as--in--any--other--cause--of action--for--debts--due--and--payable:--Where--applicable,--exemption--of--any--portion of--the--apple--and--peach--production--or--exemption--of--producers--of--any--specified minimum--production--shall--be--set--forth--in--the--marketing--program:--All assessments--on--apple--and--peach--production--are--due--and--payable--to--the--program operating--board:--"

"Section-23.--No--person--shall--knowingly--fail--or--refuse--to--comply--with--any requirement--of--this--Act--where--obligated--to--comply--by--a--duly--approved--marketing program:--The--Director--or--program--operating--board--may--institute--any--action which--is--necessary--to--enforce--compliance--with--any--provision--of--this--Act,--any rule--or--regulation--thereunder--or--any--marketing--program--adopted--pursuant--to--this Act:--In--addition--to--any--other--remedy--provided--by--law,--the--Director--or--program operating--board--may--petition--for--injunctive--relief--without--being--required--to allege--or--prove--the--absence--of--any--adequate--remedy--at--law:--Such--action--shall be--brought--in--the--circuit--court--of--any--county:--"

Quote--from--Section-21--of--the--Apple--and--Peach--Marketing--Act,--1971
Illinois--Revised--Statutes:

Quote--from--Section-23--of--the--Apple--and--Peach--Marketing--Act,--1971
Illinois--Revised--Statutes:

(Repealed at 24 Ill. Reg. 15 64 --, effective January 12, 2000)

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Section 700. APPENDIX B Marketing Program For Illinois Corn and Corn Products

Agency Note: Section 7 of the "Illinois Corn Marketing Act" [505 ILCS 40/7] requires any corn marketing program that is approved by Illinois corn producers through referendum to be filed by the Department of Agriculture as provided in Section 5-65 of the "Illinois Administrative Procedure Act" [5 ILCS 100/5-65]. The filing of the adopted program is exempt from the rulemaking requirements of Sections 5-35 and 5-40 of the Illinois Administrative Procedure Act and the program is exempt from review under Sections 5-100, 5-105, 5-110, 5-120, 5-125 and 5-130 of the Illinois Administrative Procedure Act. On December 29, 1982, a Marketing Program For Illinois Corn and Corn Products was approved through referendum.

ARTICLE I

PURPOSE:

This program is developed not to increase production but to enable Illinois corn producers to coordinate more effectively the maintenance and development of markets for corn and corn products; to provide for the needed utilization research; to develop new uses for corn and corn products; and to provide for more efficient and economical markets.

To accomplish this objective, it is essential to provide procedures for the development of new and larger markets for corn; to provide procedures to engage in research directed toward more efficient utilization of corn; to provide procedures to support worldwide market development programs and cooperate with other states, organizations, agencies and persons in market development, market information, and research programs; and to provide procedures to elect an initial producer board and its successors to operate this program.

ARTICLE II

AUTHORITY:

This marketing program for Illinois corn and its procedures, is established pursuant to the Illinois Corn Marketing Act [505 ILCS 40].

ARTICLE III

PROGRAM EXTENT:

All producers of corn in Illinois are qualified to participate and all corn sold to a first purchaser is subject to the program.

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ARTICLE IV

DEFINITIONS:

Terms used in this marketing program shall be defined in the Act and as follows unless context clearly requires otherwise:

- (a) "Act" means the Illinois Corn Marketing Act [505 ILCS 40].
- (b) "Corn" means and includes all kinds of varieties of corn (excluding popcorn and sweet corn) grown in this State and marketed and sold as corn by the producer." (1)
- (c) "Person" means any natural person, partnership, corporation, society, association, representative or other fiduciary." (1)
- (d) "Producer" means any person engaged in this State in the business of producing and marketing corn and who is effected by this program by virtue of having the first right of ownership in any corn for which payment is received at the first point of sale.
- (e) "First Purchaser" means any person who resells corn purchased from a producer or offers for sale any product produced from such corn for any purpose." (1)
- (f) "Market Development" means to engage in research and educational programs directed toward better and more efficient utilization of corn; to provide methods and means for the maintenance of present markets; for the development of new and larger domestic and foreign markets." (1)
- (g) "Corn Marketing Program" means the program established under the authority of the Corn Marketing Act and approved by the corn producers.
- (h) "Corn Marketing Board" means the board established by any corn marketing program to administer a corn marketing program.
- (i) "Director" means the Director of the Department of Agriculture of the State of Illinois." (1)
- (j) "Department" means the Department of Agriculture of the State of Illinois." (1)
- (k) "Bushel" means 56 pounds of corn by weight." (1)
- (l) "District" means the geographical divisions of the State established pursuant to this marketing program.

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- (m) "Sale" or "Sold" means a transaction wherein the property in or to corn is transferred from the producer to a first purchaser for consideration.
- (n) "Eligible Voter" means one who is defined both as a person and as a producer in this program during the previous 365 days prior to the referendum date.
- (o) "Affected Producer" means any person defined as a producer in this program who is subject to the assessment.
- (p) "Corn Checkoff Program" means a program defined as a corn marketing program.

(1) Quoted from Section 3 of the Illinois Corn Marketing Act [505 ILCS 40/3].

ARTICLE V

CORN MARKETING BOARD:

Section 1. Establishment and Membership.

A corn marketing board is hereby established with powers and duties as authorized pursuant to the Act and this program. The Board shall be comprised of 15 members elected from districts as provided in Section 2 of this Article. The 15 members shall be elected, one from each district.

Section 2. Representative Districts.

For the purpose of nomination and election of members to the Board, the territory of the State of Illinois shall be divided into 15 representative districts as follows:

- District I: Boone, McHenry, Lake, DeKalb, Kane, Cook, DuPage, Kendall and Will Counties.
- District II: JoDaviess, Stephenson, Winnebago, Carroll and Ogle Counties.
- District III: Knox, Henry, Warren, Henderson, Mercer and Rock Island Counties.
- District IV: Whiteside, Lee, Bureau, Stark, Marshall and Putnam Counties.
- District V: LaSalle, Grundy, Livingston and Kankakee Counties.

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- District VI: Ford, Iroquois, Champaign and Vermilion Counties.
- District VII: Woodford, McLean, DeWitt, Macon, Piatt and Moultrie Counties.
- District VIII: Peoria, Tazewell, Fulton, Mason, Cass, Menard and Logan Counties.
- District IX: Hancock, McDonough, Adams, Schuyler, Brown and Pike Counties.
- District X: Scott, Morgan, Sangamon, Greene, Jersey, Calhoun and Macoupin Counties.
- District XI: Christian, Montgomery, Shelby, Fayette and Effingham Counties.
- District XII: Douglas, Edgar, Coles, Clark, Cumberland, Jasper and Crawford Counties.
- District XIII: Marion, Clay, Richland, Lawrence, Jefferson, Wayne, Edwards, Wabash and White Counties.
- District XIV: Madison, Bond, St. Clair, Clinton, Monroe and Washington Counties.
- District XV: Randolph, Perry, Jackson, Franklin, Williamson, Hamilton, Saline, Gallatin, Union, Johnson, Pope, Hardin, Alexander, Pulaski and Massac Counties.

Section 3. Board Membership Qualifications.

Board members shall be residents of the State of Illinois, of legal voting age, and be subject to the program. Board members shall be affected producers of corn in this State subject to the assessment and residing in the district in and for which they are nominated and elected. The qualification of members as set forth herein must continue during their term of office or their office shall be declared vacant.

Section 4. Term of Office.

The term of office of a board member shall be three years or until his successor is elected and qualified except for the initial board which shall be provided in Section 5 of this Article.

A term of office shall terminate on July 31st of the year in which the board member's office expires.

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A board member can only serve three full consecutive three year terms.

Section 5. Initial Board.

If this program is adopted by corn producers, the Director shall initiate the procedures to elect the initial 15-member board as outlined in this corn marketing program and the Act. The Director shall specify the day on which the election of the initial board will be held. The day on which this election is held, shall be no more than 210 days from the date of close of the referendum on adoption of this corn marketing program.

Board members shall serve three year terms; provided, however, that the initial term of the board members from Districts I, IV, VII, X, and XIII shall expire July 31, 1984; the initial terms of board members from Districts II, V, VIII, XI, and XIV shall expire July 31, 1985; and the initial terms of board members from Districts III, VI, IX, XII, and XV shall expire July 31, 1986.

When the initial term of office expires in a district, an election shall be held as provided in this program and the Act to fill the vacancy.

Section 6. Nominations.

(a) Procedure for nominating candidates for election to the initial board: Any affected producer may become a candidate from his district and have his name placed on the ballot if he files a petition with the Director containing the signatures of 200 or 5 percent, whichever is less, of those eligible voters in his district qualified to vote on the referendum. The petitions to become a candidate for board members must be filed with the Director by a time and date specified by the Director. Petitions for becoming a candidate shall be available at the principal office of the Cooperative Extension Service serving each county and upon request from the Director. Position of candidates' names on the ballot to become a board member shall be determined by lot by drawing by the Director. Candidates shall be notified of the time and place where such drawing shall occur. Voting shall be held at geographically located polling places throughout the district.

(b) Subsequent Years. Procedure for Nominating Candidates to the Board in Subsequent Years: Each district having a vacancy on the board by an expiring term shall hold an election to fill such vacancy. The election shall be held during July of the year in which the vacancy exists. Any affected producer meeting the requirements of Section 3 may become a candidate from his

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district and have his name placed on the ballot for which a vacancy exists if he files a petition with the Director containing the signatures of 200 or 5 percent, whichever is less, of affected producers from his district.

Petitions to become a candidate for board member must be filed with the Director by May 15th of the year in which the election is to be held in that district. Notification to all affected producers in the district where a vacancy exists shall be published once in the official state newspaper and made available to newspapers of general circulation in that district and to all other news media in that district. Notification shall be given no earlier than March 1 nor later than March 15 in the district where vacancy on the board will occur. Petition for becoming a candidate shall be available at each principal county office of the Cooperative Extension Service in the district where a vacancy exists and upon request from the Director. Position of the candidates' names on the ballot shall be determined by lot by a drawing by the Director. Candidates shall be notified of the time and place where such drawing shall occur. Voting shall be held at geographically located polling places throughout the district.

Section 7.

(a) Election of Initial Board.

Each eligible voter shall be entitled to one vote and shall be entitled to vote for one candidate to be such producer's district representative on the corn marketing board.

The candidate from each district receiving the greatest number of votes in the election shall be the district's representative on the board. In case of a tie, the winner will be determined by drawing. The elected board member will take office immediately after certification of election results. Each eligible voter shall vote at the local Cooperative Extension Service office serving the county in which such eligible voter resides.

(b) Election of Board in Subsequent Years.

The election of board members in districts where a vacancy occurs due to an expiring term shall be conducted by the corn marketing board. Nominations shall be as set forth in Section 6(b) of the program. The elected board member shall take office on August 1 of the year in which such board member is elected.

Section 8. Election Ballot.

The election ballot used in each district will contain only the

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name(s) of the candidate(s) for its district, with space provided for a write-in candidate.

Write-in votes shall be counted only for persons who have filed notarized declarations of intent to be write-in candidates with the Director not later than 5:00 p.m. on the Tuesday immediately preceding the election.

Forms for the declaration of intent to be a write-in candidate shall be supplied by the Director. Such declaration shall specify the office for which the person seeks election as a write-in candidate.

Section 9. Absentee Ballot.

Eligible voters who reside outside the State of Illinois or eligible voters within the State who cannot be physically present at the polls expect-to-be-absent-from-their-county-or-residence on the day of any board members' election held under this Article may request an absentee ballot. The Director shall provide to any eligible voter an absentee ballot upon request beginning thirty (30) days prior to the initial election of directors and subsequent election of directors where a vacancy exists. Any eligible voter requesting an absentee ballot shall be required to file with the Director an a--notarized affidavit swearing that such eligible voter is eligible to vote in the election of board members. Such affidavit shall be available upon request from the Director. All absentee ballots and affidavits must be received by the Director at least two (2) working days prior to any election of board members.

Section 10. Elections.

The Director shall appoint election judges for the election of board members.

Section 11. Powers and Duties of the Board.

The board shall have the following powers and duties:

- (a) to administer, enforce, direct, and control provisions of this program as its administrative board pursuant to the authority contained in the Act;
- (b) to annually establish priorities and to prepare and approve a budget consistent with estimated resources and scope of the marketing program;
- (c) to formulate and execute assessment procedures, and methods of collection;

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- (d) to procure and evaluate data and information necessary for the proper administration and operation of marketing program;
- (e) to employ personnel and contract for services which are necessary for the proper operation of the marketing program;
- (f) to authorize the expenditure of funds and the contracting of expenditures to conduct proper activities of the program;
- (g) to provide for an independent audit to be made and be available to all program participants;
- (h) to publish annually, upon completion of and at the same time of the audit, an Activities and Financial Report and make available to all affected producers;
- (i) to elect a chairman, vice chairman, secretary and treasurer and other such officers as it deems necessary;
- (j) to take steps to insure that adequate bonds are maintained and to insure adequate protection of funds;
- (k) to confer and cooperate with legally constituted authorities of other states and the United States;
- (l) to accept donations, gifts, and other properties to be used for program purposes;
- (m) to receive and investigate or cause to be investigated complaints and violations of this program and the Act and to take such action as is necessary within its authority;
- (n) to establish accounts in adequately protected financial institutions to receive, hold and disperse program monies;
- (o) to approve and recommend desirable amendments to the program;
- (p) to establish procedure to refund to a producer any assessment paid by such a producer if he requests such a refund; and
- (q) to perform such other duties which may be necessary to proper operation of the board.

Section 12. Limitation of Liability of Board Members and Employees.

Obligations incurred by the board and any other liabilities or claims against the board shall be enforced only against the assets of the board in the same manner as if it were a corporation and no

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liabilities for the debts or actions of the board shall exist against either the State of Illinois or any subdivision thereof or against any board established pursuant to the Act or the assets thereof or against any member, officer, employee, or agent of the board in his individual capacity. The members of the board, including employees thereof, shall not be held responsible individually in any way whatsoever to any person for errors in judgment, mistakes, or other acts either of commission or omission, as principal, agent, person, or employee except for their own individual acts which result in a violation of any law. No such person or employee shall be held responsible individually for the act or omission of any member of the board. The liability of the members of the board shall be several and not joint and no members shall be liable for the default of any other member.

Section 13. Board Vacancies.

Procedures for Filing: Vacancies occurring on the board during an unexpired term of office shall be filled by the board with an appointee who is a qualified producer from the district affected by the vacancy. The appointee shall serve as the district's representation on the board for the unexpired term.

Section 14. Board Compensation.

"All voting members of the corn marketing board are entitled to actual and necessary travel and incidental expenses while attending meetings of the board or while engaged in the performance of official responsibilities as determined by the board." (2) Board members are not entitled to any salary or per diem.

(2) Quoted from Section 11 of the Illinois Corn Marketing Act [505 ILCS 40/11].

ARTICLE VI

REFERENDUMS AND ELECTIONS:

Section 1.

The initial program referendum shall provide for the question of adoption of the program with a place to vote "yes" or "no." The initial program referendum shall be conducted by ballot mailed to producers. A period of 21 days from the date of mailing of the ballot shall be allowed for the return of such ballots. Ballots shall be returned to the Director by mail or by personal delivery by the voting producer at such address as may be designated by the Director. When requested, the Director shall provide a ballot to any producer whose name does not appear on the list of producers maintained by the

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Agricultural Stabilization and Conservation Service or who for any reason did not receive a ballot. "Reasonable publicity and notification of the referendum date and voting locations shall be provided in trade publications, the public press and the official state newspaper, at least two weeks prior to such referendum date." (3)

The Agricultural Stabilization and Conservation Service list of producers shall be the official mailing list used for the program referendum.

A corn marketing program or an amendment to a corn marketing program is approved when a majority of the statewide total of those voting in the referendum vote in favor of such program or amendment to a program.

(3) Quoted from Section 9 of the Illinois Corn Marketing Act [505 ILCS 40/9].

Section 2. Qualification to Vote.

Any person who is defined as a producer in this program shall be entitled to one vote. Such eligible voter shall be required to sign a statement or affidavit declaring that such person is an eligible voter in the program.

An eligible voter who meets the definition of a "producer" in more than one county or on more than one tract of land may only vote once in their own name. If more than one vote is cast, only one vote, cast in the county of residence, will be counted.

A person or business organization which meets the "producer" definition may designate some individual to vote on its behalf. In such cases, the following guidelines apply:

In cases of ASSOCIATIONS, BUSINESSES, COOPERATIVES, UNIVERSITIES, COLLEGES, FOUNDATIONS, or any other business entity, only an officer may cast one vote for this business organization.

PARTNERSHIP, JOINT TENANCY: If ownership of the commodity is held in the partnership name or in joint ownership, only one partner/owner may cast one vote. It is the responsibility of the partnership/joint ownership to decide who will vote.

FIDUCIARY: Only the court-appointed legal representative of a trust, estate, conservatorship, guardianship or other fiduciary relationship may cast one vote for the business held in trust.

LANDLORD AND TENANT: Each may cast one vote if each meets the

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"producer" definition.

HUSBAND AND WIFE: If the corn is held in joint ownership by both husband and wife, only one spouse may cast one vote. If each meets the "producer" definition as a separate entity, then each may cast one vote.

Section 3. Teller Committee.

The Director shall appoint a teller committee composed of members of the agricultural community to count absentee ballots, canvass and certify results of referendums and elections of district candidates.

ARTICLE VII

PROGRAM:

Section 1. Market Development, Promotion, and Public Relations Programs.

The board, subject to the provisions of this program and the Act, is authorized to contract with or make grants to any qualified organizations, agencies, or persons for any market development and promotion activities, education and public relations programs or market information services which will result in the opening of new markets for corn and corn products, or which will result in the expansion of existing markets. These activities may include, but not be necessarily limited to the following:

- (a) Preparation and dissemination of marketing information to include supply information, demand information, quality characteristics, and other facts concerning corn and corn products.
- (b) Provide information to foreign feed manufacturers and corn refiners for the purpose of expanding their use of corn and corn products.
- (c) Work with U.S. agricultural attaches or any other agency or organization in removing restrictive foreign and domestic regulations or barriers which hinder the free flow of corn or corn products to their ultimate markets.
- (d) Participate in trade fairs, exhibitions, food shows, and other such activities for the purpose of developing markets.
- (e) The board, subject to the provisions of this program and the Act, is authorized to contract with or make grants to any qualified organizations, agencies, or persons for any needed research or

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- survey studies related to corn and their products which will result in improved efficiency and aid corn producers in maintaining present and any new and larger markets.

Section 2. Educational Program.

The board is authorized to conduct, contract with, or make grants to any qualified organizations, agencies, or individuals, for any educational materials and educational programs pertaining to corn and corn products.

The educational program established pursuant to this authority shall emphasize the results of research, market development, and other programs sponsored, supported, or otherwise implemented by or for the board.

ARTICLE VIII

ASSESSMENTS:

Section 1. Assessment Levied.

- (a) All assessments made and levied pursuant to the provisions of the Act and the program shall be paid by the respective affected producers who shall be liable therefore as provided by Sections 16 and 17 of the Act.
- (b) Such assessments shall be 1/4¢ per bushel of corn produced and sold by such affected producer. After the first five years of operation of the program, the corn marketing board may request the Director to hold a referendum to increase the assessment rate.
- (c) Such assessment shall be collected from the affected producers by the first purchaser of corn and such first purchaser shall deduct the full amount of assessment from total monies due to the producer and shall account for, report on, and remit to the board all monies collected, except as otherwise provided in this section. Such monies collected shall be remitted quarterly and shall be made by the 15th of the month following the end of each quarter. Such quarters shall end March 31, June 30, September 30, and December 31 of the year in which assessment is due. If remittance of assessment by first purchaser is made by the 15th of the month following the end of the quarter, such first purchaser making remittance shall be entitled to retain two percent (2%) of such remittance due.
- (d) Any producer who shall sell, ship, or otherwise dispose of corn to a first purchaser or other person outside the jurisdiction of this

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the costs or expenses arising in connection with carrying out the purpose and provisions of the Act and this program.

ARTICLE XI

INFORMATION REPORTS:

All persons subject to this program and the Act shall make and render such reports and furnish such information to the Director and board as may be necessary or required to effectuate the purposes thereof. Information obtained by any person pursuant to this Article shall be confidential and shall not be disclosed to any other person, save a person with the right to obtain the same or any attorney employed by the board to give legal advice thereon or by court order.

ARTICLE XII

PROCEDURES:

Section 1.

Following approval of the corn marketing program, the Director shall file the program with the Secretary of State as provided in Section 6 of the Illinois Corn Marketing Act.

Section 2.

All procedures promulgated pursuant to the Act shall be available upon request to those persons affected by this program and the Act.

ARTICLE XIII

APPEALS:

Section 1.

Any person subject to this program may appeal to the board to review any administrative decision. The board shall establish by regulation the contested case procedure in accordance with the Administrative Procedure Act [5 ILCS 100].

Section 2.

Pending the disposition of any appeal set forth in Section 1 of this Article, the party shall abide by the decision unless the board shall

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marketing program shall forthwith remit to the board the full amount of the assessment due.

(e) The board shall establish regulations and procedures to insure the collection of such assessments as shall be due and payable under this marketing program.

(f) The board shall give reasonable notice to all producers, processors and handlers of all changes in regulations and procedures and any amendments thereto for the collection of the assessment.

ARTICLE IX

RIGHT OF REFUND:

Section 1.

(a) Any affected producer may request that each assessment paid by him be refunded.

(b) A refund shall be payable upon request. Such request shall be made to the board not more than sixty (60) days after the deduction has been made or not more than sixty (60) days after the remittance has been made by the first purchaser. Applications for refund shall be given by the board to each first purchaser when requested and the first purchaser shall make the applications available to any producers.

(c) The board shall establish procedures to insure the refunds of such assessment as are requested.

ARTICLE X

FUNDS:

Section 1.

The board shall deposit all monies collected pursuant to this program in an account as established in Article V of this program. Expenses and disbursements incurred and made pursuant to the Act and this program shall be made by voucher, draft or check bearing the signature of a person or persons designated by majority vote of the board.

Section 2.

Monies collected by the board pursuant to the Act and this program as assessments shall be used by the board for the purpose of paying for

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rule otherwise. The board shall, if the facts stated show reasonable grounds, revise any order or decision upon which an appeal is taken.

ARTICLE XIV

DEROGATION:

Nothing contained herein is or shall be construed to be in derogation or in modification of the rights of the Director or of the State to exercise any powers granted by the Act or otherwise, and in accordance with such powers to act in the premises whenever such action is deemed advisable.

ARTICLE XV

COOPERATION WITH OTHER AGENCIES:

The board, with the assistance of the Director and subject to the provisions of the Act, is authorized to cooperate with agencies of the United States Government, the State of Illinois, and other states as deemed by the board and the Director to be desirable and useful in effectuating the purposes of this program and Act.

(a) Coordination and cooperation in promotion, advertising, educational programs, informational programs, marketing and transportation research, and any of the several areas of authority authorized by the program and the Act.

(b) Coordination of purposes with other boards, commissions, or any other marketing group in the State or other states, areas, or foreign countries so long as such cooperation is in the best interest of the corn producers in Illinois.

ARTICLE XVI

EFFECTIVE TIME:

This marketing program shall become effective upon its adoption. The assessment will not be levied until April 1 or 60 days after the date of the election of the initial board, whichever is later, and shall continue in effect for five (5) years and shall automatically be extended from year to year unless a referendum for continued approval is requested by written petition of no less than ten percent of corn producers affected by the program in each respective district as published in the latest Census of Agriculture as published by the U.S. Department of Commerce, Bureau of Census. Such referendum is to be held in accordance with Section 9 of the Act and shall have as set forth in Section

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7 of the Act.

ARTICLE XVII

SEVERABILITY:

If any provision of the marketing program or the Act shall be declared invalid, or the applicability thereof to any person, circumstance or thing is held invalid, the validity of the remainder of this marketing program or the Act or the applicability thereof to any person, circumstance or thing shall not be affected.

ARTICLE XVIII

ENFORCEMENT:

Section 1.

"Persons who collect corn marketing program assessment funds pursuant to Section 15 of this Act shall remit such funds to the corn marketing board which shall deposit such in an account to be used as authorized by the corn marketing program.

Any due and payable assessment required under the provisions of any corn marketing program created under this Act constitutes a personal debt of every person so assessed or who otherwise owes such assessment. Such assessment is due and payable to the corn marketing board not more frequently than quarterly or when stipulated in the corn marketing program and called for by the corn marketing board. In the event any person fails to remit the full amount of such due assessment or such other sum within 30 days after the due date, the person owing such assessment shall be given an opportunity to present his case as provided for in Section 20 of this Act. When established that the assessment is correct, the corn marketing board may add to such unpaid assessment or sum a penalty amount not exceeding 10% of the amount due plus all the cost of enforcing the collection of the assessment or sum due. In the event of failure of such person to remit any properly due assessment or sum, the corn marketing board may bring a civil action against such person in the circuit court of any county for the collection thereof, together with the above additional specified 10% penalty assessment, cost of enforcing the collection of the assessment and court costs. Such action shall be tried and judgment rendered as in any other cause of action for debts due and payable. All assessments are due and payable to the corn marketing board." (4)

Section 2.

"No person shall knowingly fail or refuse to comply with any requirement of

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this Act where obligated to comply by a duly approved corn marketing program. The corn marketing board may institute any action which is necessary to enforce compliance with any provision of this Act, and rule or regulation thereunder or any corn marketing program adopted pursuant to this Act. In addition to any other remedy provided by law, the corn marketing board may petition for injunctive relief without being required to allege or prove the absence of any adequate remedy at law." (5) Such action shall be brought in the Circuit Court of any county.

"Before the corn marketing board may institute any proceedings under this Act, the alleged violator shall first be given an opportunity to present his views to the corn marketing board as to why such proceedings should not be instituted." (5)

(4) Quoted from Section 17 of the Illinois Corn Marketing Act [505 ILCS 40/17].

(5) Quoted from Section 20 of the Illinois Corn Marketing Act [505 ILCS 40/20].

(Source: Amended at 24 Ill. Reg. 1564, effective
JAN 12 2000)

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Section 700.APPENDIX D Marketing Program For Illinois Soybeans and Soybean Products

Agency Note: Section 15 of the "Soybean Marketing Act" (Ill. Rev. Stat. 1987, ch. 5, par. 565) requires any soybean marketing program that is approved by Illinois soybean producers through referendum to be filed by the Department of Agriculture as provided in Section 5-65 of the "Illinois Administrative Procedure Act" (Ill. Rev. Stat. 1991, ch. 127, par. 1005-65). The filing of the adopted program is exempt from the rulemaking requirements of Sections 5-35 and 5-40 of the "Illinois Administrative Procedure Act" and the program is exempt from review under Sections 5-100, 5-105, 5-110, 5-120, 5-125 and 5-130 of the "Illinois Administrative Procedure Act". In 1974, a Marketing Program For Illinois Soybeans and Soybean Products was approved through referendum. In 1988, an amendment to Article VIII of the Marketing Program was added. On March 1, 1989, Article VIII of the Marketing Program was amended.

ARTICLE I

PURPOSE:

This program is developed to enable Illinois soybean producers to coordinate more effectively the maintenance and development of markets for soybeans and soybean products; to provide for the needed production and utilization research; to develop new uses for soybeans and soybean products; and to provide for more efficient and economical production.

To accomplish this objective, it is essential to provide procedures for the development of new and larger markets for soybeans; to provide procedures to engage in research directed toward more efficient utilization and production of soybeans; to provide procedures to support world-wide market development programs and cooperate with other states, organizations, agencies, and persons in market development, market information, and research programs; and to provide procedures to elect an initial producer board and its successors to operate this program.

ARTICLE II

AUTHORITY:

This marketing program for Illinois soybeans, its procedures, and regulations, is established pursuant to "An Act in relation to soybean marketing programs," being Public Act No. 78-739, approved September 11, 1973.

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ARTICLE III

PROGRAM EXTENT:

All producers of soybeans in Illinois are qualified to participate and all soybeans sold to a first purchaser are subject to the program.

ARTICLE IV

DEFINITIONS:

Terms used in this marketing program shall be defined in the Act and as follows unless context clearly requires otherwise:

- (a) "Act" means an act in relation to soybean marketing programs, Public Act No. 78-739, approved September 11, 1973.
- (b) "Soybean" means and includes all kinds of varieties of soybeans grown in this State and marketed and sold as soybeans by the producer.
- (c) "Person" means any natural person, partnership, corporation, society, association, representative or other fiduciary.
- (d) "Producer" means any person engaged in this State in the business of producing and marketing soybeans and who is affected by this program by virtue of having the first right of ownership in any soybeans for which payment is received at the first point of sale.
- (e) "First Purchaser" means any person who resells soybeans purchased from a producer or offers for sale any product produced from such soybeans for any purpose.
- (f) "Market Development" means to engage in research and educational programs directed toward better and more efficient utilization of soybeans; to provide methods and means for the maintenance of present markets; for the development of new and larger domestic and foreign markets.
- (g) "Marketing Program" means any program established under this Act which prescribes rules, regulations and procedures for the development of markets for soybeans and soybean products.
- (h) "Program Operating Board" means the board established by any marketing program to administer such programs.
- (i) "Director" means the Director of the Department of Agriculture of the State of Illinois.

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(j) "Department" means the Department of Agriculture of the State of Illinois.

(k) "Bushel" means 60 pounds of soybeans by weight.

(l) "District" means the geographical divisions of the State established pursuant to this marketing program.

(m) "Sale" or "Sold" means a transaction wherein the property in or to soybeans is transferred from the producer to a first purchaser for consideration.

(n) "Eligible Voter" means one who is defined both as a person and as a producer in this program.

(o) "Affected Producers" means any person defined as a producer in this program who is subject to the assessment.

ARTICLE V

PROGRAM OPERATING BOARD:

Section 1. Establishment and Membership.

A program operating board is hereby established with powers and duties as authorized pursuant to the Act and this program. The Board shall be comprised of 18 members elected from districts as provided in Section 2 of this Article. The 18 members shall be elected, one from each district.

Section 2. Representative Districts.

For the purpose of nomination and election of members to the Board, the territory of the State of Illinois shall be divided into 18 representative districts as follows:

District 1: Jo Daviess, Stephenson, Winnebago, Boone, Carroll, Ogle, DeKalb, and Lee Counties.

District 2: McHenry, Lake, Kane, Cook, DuPage, Will, and Kankakee Counties.

District 3: Whiteside, Rock Island, Henry, Mercer, Henderson, Stark, and Warren Counties.

District 4: Bureau, LaSalle, Grundy, and Kendall Counties.

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District 5: Knox, Peoria, Marshall, Putnam, Fulton and Tazewell Counties.

District 6: Woodford, Livingston and McLean Counties.

District 7: Ford, Iroquois, and Vermillion Counties.

District 8: Hancock, McDonough, Adams, Brown, and Schuyler Counties.

District 9: Mason, Logan, Cass, Menard, Morgan, and Sangamon Counties.

District 10: DeWitt, Macon, Christian, Moultrie, and Shelby Counties.

District 11: Piatt, Champaign, Douglas, Edgar, and Coles Counties.

District 12: Pike, Scott, Calhoun, Greene, Macoupin, and Jersey Counties.

District 13: Montgomery, Bond, Fayette, and Marion Counties.

District 14: Cumberland, Clark, Effingham, Jasper, and Crawford Counties.

District 15: Madison, Monroe, St. Clair, and Clinton Counties.

District 16: Clay, Richland, Lawrence, Wayne, Edwards, White, and Wabash Counties.

District 17: Randolph, Washington, Jefferson, Perry, and Jackson Counties.

District 18: Franklin, Hamilton, Williamson, Saline, Gallatin, Union, Johnson, Pope, Hardin, Alexander, Pulaski, and Massac Counties.

Section 3. Board Membership Qualifications.

Board members shall be residents of the State of Illinois, of legal voting age, and be subject to the program. Board members shall be affected producers of soybeans in this State subject to the assessment in the district in and for which they are nominated and elected. The qualification of members as set forth herein must continue during their term of office or their office shall be declared vacant.

Section 4. Term of Office.

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The term of office of a board member shall be three years or until his successor is elected and qualified except for the initial board which shall be as provided in Section 5 of this Article.

A term of office shall terminate on July 31st of the year in which the board member's office expires.

No producer shall serve as board member for more than two consecutive three-year terms of office.

Section 5. Initial Board.

The initial 18-member board shall be elected on the same ballot and at the same time the referendum is held on this marketing program.

The term of office for each initial board member shall be determined by drawing at the first meeting of the board. The term of office established by the drawing shall be the term of office for the member's representative district. These initial terms of office shall be as follows: There shall be six terms which shall expire July 31, 1975; there shall be six terms which shall expire July 31, 1976; there shall be six terms which shall expire July 31, 1977.

When the initial term of office expires in a district, an election shall be held as provided in this program and the Act to fill the vacancy.

Section 6. Nominations.

A. Procedure for nominating candidates for election to the initial board:

Any affected producer may become a candidate from his district and have his name placed on the ballot if he files a petition with the Director containing the signatures of 250 or 5 per cent, whichever less, of those eligible voters in his district qualified to vote on the referendum. The petitions to become a candidate for board member must be filed with the Director by May 15th of the year in which the election is to be held in that district. Notification to all affected producers of an election shall be published in the official state newspaper and made available to newspapers of general circulation and other news media throughout the State. Petitions for becoming a candidate shall be available at the principal office of the Cooperative Extension Service serving each county and upon request from the Director. Position of candidates' names on the ballot to become a board member shall be determined by lot by a drawing by the Director. Candidates shall be notified of the time and place where such drawing shall occur. Voting shall be held at

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geographically located polling places throughout the district.

- B. Subsequent Years. Procedure for Nominating Candidates to the Board in Subsequent Years:

Each district having a vacancy on the board by an expiring term shall hold an election to fill such vacancy. The election shall be held during July of the year in which the vacancy exists. Any affected producer may become a candidate from his district and have his name placed on the ballot for which a vacancy exists if he files a petition with the Director containing the signatures of 250 or 5 per cent, whichever less, of affected producers from his district. Petitions to become a candidate for board member must be filed with the Director by May 15th of the year in which the election is to be held in that district. Notification to all affected producers in the district where a vacancy exists shall be published in the official state newspaper and made available to newspapers of general circulation in that district and to all other news media in that district. Notification shall be given no earlier than April 1st nor later than April 15th in the district where vacancy on the board will occur. Petition for becoming a candidate shall be available at each principal county office of the Cooperative Extension Service in the district where a vacancy exists and upon request from the Director. Position of the candidates' names on the ballot shall be determined by lot by a drawing by the Director. Candidates shall be notified of the time and place where such drawing shall occur. Voting shall be held at geographically located polling places throughout the district.

Section 7.

- A. Election of Initial Board.

The election of the initial Board shall be on the same ballot and at the same time as the referendum on the question of adoption of the program. Each eligible voter shall be entitled to one vote and shall be entitled to vote for one candidate to be such producer's district representative on the program operating board.

The candidate from each district receiving the greatest number of votes in the election shall be the district's representative on the board. In case of a tie, the winner will be determined by drawing. The elected board member will take office immediately upon approval of the program. Each eligible voter shall vote at the local Cooperative Extension Service office serving the county in which such eligible voter resides.

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- B. Election of Board in Subsequent Years.

The election of board members in districts where a vacancy occurs due to an expiring term shall be conducted by the program operating board. Nominations shall be as set forth in Section 6(B) of the program. The elected board member shall take office of August 1st of the year in which such board member is elected.

Section 8. Powers and Duties of the Board.

The board shall have the following powers and duties:

- (a) to administer, enforce, direct, and control provisions of this program as its administrative board pursuant to the authority contained in the Act;
- (b) to annually establish priorities and to prepare and approve a budget consistent with estimated resources and scope of the marketing program;
- (c) to formulate and execute assessment procedures, rates, methods of collection;
- (d) to procure and evaluate data and information necessary for the proper administration and operation of marketing program;
- (e) to employ personnel and contract for services which are necessary for the proper operation of the marketing program;
- (f) to authorize the expenditure of funds and the contracting of expenditure to conduct proper activities of the program;
- (g) to provide for an independent audit to be made and be available to all program participants;
- (h) to publish annually, upon completion of and at the same time of the audit, an Activities and Financial Report and make available to all affected producers;
- (i) to elect a chairman, vice chairman, secretary and treasurer and other such officers as it deems necessary;
- (j) to take steps to insure that adequate bonds are maintained and to insure adequate protection of funds;
- (k) to confer and cooperate with legally constituted authorities of other states and the United States;

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- (l) to accept donations, gifts, and other properties to be used for program purposes;
- (m) to receive and investigate or cause to be investigated complaints and violations of this program and the Act and to take such action as is necessary within its authority;
- (n) to establish accounts in adequately protected financial institution to receive, hold and disperse program monies;
- (o) to approve and recommend desirable amendments to the program;
- (p) to establish procedure to refund to a producer any assessment paid by such a producer if he requests such a refund; and
- (q) to perform such other duties which may be necessary to proper operation of the board.

Section 9. Limitation of Liability of Board Members and Employees.

Obligations incurred by the board and any other liabilities or claims against the board shall be enforced only against the assets of the board in the same manner as if it were a corporation and no liability for the debts or actions of the board shall exist against either the State of Illinois or any subdivision or instrumentality thereof or against any board established pursuant to the Act or the assets thereof or against any member, officer, employee, or agent of the board in his individual capacity. The members of the board, including employees thereof, shall not be held responsible individually in any way whatsoever to any person for errors in judgment, mistakes, or other acts either of commission or omission, as principal, agent, person, or employee except for their own individual acts which result in a violation of any law. No such person or employee shall be held responsible individually for the act or omission of any member of the board. The liability of the members of the board shall be several and not joint and no members shall be liable for the default of any other member.

Section 10. Board Vacancies. Procedure for Filling:

Vacancies occurring on the board during an unexpired term of office shall be filled by the board with an appointee who is a qualified producer from the district affected by the vacancy. The appointee shall serve as the district's representative on the board for the unexpired term.

Section 11. Board Compensation.

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"All voting members of the program operating board are entitled to actual and necessary travel and incidental expenses while attending meetings of the board or while engaged in the performance of official responsibilities as determined by the board." (1)

- (1) Quote from Section 12 of "An Act in relation to Soybean Marketing Program," being Public Act No. 78-739, approved September 11, 1973.

ARTICLE VI

REFERENDUMS AND ELECTIONS:

Section 1.

The Director shall hold referendums as they pertain to this program as provided for in such Sections as 8, 10 and 13 of the Act.

All referendums shall be by a ballot cast at the local Cooperative Extension Service office serving the area in which such eligible voter resides, except as otherwise provided in this Article.

The initial program adoption referendum shall provide for the question of adoption of the program with a place to vote "yes" or "no" and shall also provide for the election of the initial members of the program operating board. The referendum ballot used in each district will contain only the name(s) of the candidate(s) for its district with space provided for a write-in candidate.

Write-in votes shall be counted only for persons who have filed notarized declarations of intent to be write-in candidates with the Director not later than 5:00 p.m. on the Tuesday immediately preceding the election.

Forms for the declaration of intent to be a write-in candidate shall be supplied by the Director. Such declaration shall specify the office for which the person seeks election as a write-in candidate.

A program or an amendment to a program is approved when a majority of the statewide total of those voting in the referendum vote in favor of such program or amendment to a program.

Section 2. Qualification to Vote.

Any person who is defined as a producer in this program shall be entitled to one vote. Such eligible voter shall be required to sign an affidavit for ballot declaring that such person is eligible to participate in the program. Such eligible voter shall be entitled to

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vote only at the principal office of the Cooperative Extension Service which serves the county in which such eligible voter resides.

Eligible voters who reside outside the State of Illinois or eligible voters within the State who cannot be physically present at the polls ~~expect--to--be-absent-from-their-county-of-residence~~ on the day of any referendum held under this Article may request an absentee ballot.

Section 3. Absentee Ballot.

The Director shall provide to any eligible voter an absentee ballot upon request beginning thirty (30) days prior to the referendum for approval of the initial program or any subsequent election of directors where a vacancy exists. Any eligible voter requesting an absentee ballot shall be required to file with the Director an ~~notarized~~ affidavit swearing that such eligible voter is eligible to vote on the initial referendum or in the election of board members. Such affidavit shall be available upon request from the Director. All absentee ballots and affidavits shall be returned to the Director at least two (2) working days prior to any referendum or election.

Section 4. Election Judges.

The Director shall appoint a three-man committee to serve as election judges and to count ballots and determine the results of the referendum at the principal county office of the Cooperative Extension Service.

Section 5. Teller Committee.

The Director shall appoint a teller committee to count absentee ballots, canvass and certify results of referendums and elections of district candidates.

ARTICLE VII

PROGRAM:

Section 1. Market Development, Promotion, and Public Relations Programs.

The board, subject to the provisions of this program and the Act, is authorized to contract with or make grants to any qualified organizations, agencies, or persons for any market development and promotion activities, education and public relations programs or market information services which will result in the opening of new markets for soybeans and soybean products, or which will result in the expansion of existing markets. These activities may include, but not

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be necessarily limited to the following:

- (1) Preparation and dissemination of marketing information to include supply information, demand information, quality characteristics, and other facts concerning soybeans and soybean products.
- (2) Provide information to foreign feed manufacturers and soy oil refiners for the purpose of expanding their use of soybeans and soybean products.
- (3) Work with U.S. agricultural attaches in removing restrictive foreign regulations which limit markets for soybeans and soybean products.
- (4) Participate in trade fairs, exhibitions, food shows, and other such activities for the purpose of developing markets.

Section 2. Research.

The board, subject to the provisions of this program and the Act, is authorized to contract with or make grants to any qualified organizations, agencies, or persons for any needed production, utilization, distribution or handling research or survey studies related to soybeans and their products which will result in improved efficiency and aid soybean producers in maintaining present and any new and larger markets.

Such research and survey studies may include, but shall not be necessarily limited to the following:

- (1) Production research on such things as cultural practices, pest and insect control, weed and disease control, soil and fertility management, genetic research, plant pathology, micro biology, plant physiology, collection of new germ plasm, etc.
- (2) Improving techniques and methods for planting and harvesting.
- (3) Improving storage, handling, and drying techniques.
- (4) Investigating transportation problems involving movement of soybeans to market.
- (5) Utilization research such as developing new uses of soybeans and soybean products for human food and nutrition, determine chemical levels to protect soybean meal from rumen degradation in livestock feed, and research on industrial oil products, etc.

Section 3. Educational Program.

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The board is authorized to contract with or make grants to any qualified organizations, agencies, or individuals for any educational materials and educational programs pertaining to soybeans and their products.

The educational program established pursuant to authority shall emphasize the results of research, market development, and other programs sponsored, supported, or otherwise implemented by or for the board.

ARTICLE VIII

ASSESSMENTS:

Section 1. Assessments Levied.

- A. All assessments made and levied pursuant to the provisions of the Act and the program shall be paid by the respective affected producers who shall be liable therefore as provided by Sections 16, 16.1 and 20 of the Act. Assessments shall be made and levied on all soybeans grown outside Illinois but sold to a first purchaser in Illinois.
- B. Such assessments shall not exceed 1/4¢ per bushel of soybeans produced and sold by such affected producer during the first year of operation of the program and shall not exceed 1¢ per bushel of soybeans produced and sold by such affected producer effective April 1, 1989, and in all subsequent years of operation of the program.

- C. Such assessment shall be collected from the affected producers by the first purchaser of soybeans and such first purchaser shall deduct the full amount of assessment from total monies due to the producer and shall account for, report on, and remit to the board all monies collected. Such monies collected shall be remitted quarterly and shall be made by the 15th of the month following the end of each quarter. Such quarters shall end March 31, June 30, September 30, and December 31 of the year in which assessment is due. If remittance of assessment by first purchaser is made by the 15th of the month following the end of the quarter, such first purchaser making remittance shall be entitled to retain two percent (2 per cent) of such remittance due.

- D. Any producer who shall sell, ship or otherwise dispose of soybeans to a first purchaser or other person outside the jurisdiction of this marketing program shall forthwith remit to the board the full amount of the assessment due.

- E. The board shall establish regulations and procedures to insure the

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collection of such assessments as shall be due and payable under this marketing program.

- F. The board shall give reasonable notice to all producers, processors, and handlers of all changes in regulations and procedures and any amendments thereto for the collection of the assessment.

ARTICLE IX

RIGHT OF REFUND:

Section 1.

- A. Any affected producer may request that each assessment paid by him be refunded.
- B. A refund shall be payable upon request. Such request shall be made to the board not more than sixty (60) days after the deduction has been made or not more than sixty (60) days after the remittance has been made by the first purchaser.
- C. The board shall establish regulations and procedures to insure the refund of such assessment as are requested.

ARTICLE X

FUNDS:

Section 1.

The board shall deposit all monies collected pursuant to this program in an account as established in Article V of this program. Expenses and disbursements incurred and made pursuant to the Act and this program shall be made by voucher, draft or check bearing the signature of the treasurer and one other person designated by majority vote of the board, which person shall be either a member or an employee of the board.

Section 2.

Monies collected by the board pursuant to the Act and this program as assessments shall be used by the board only for the purpose of paying for the costs or expenses arising in connection with carrying out the purpose and provisions of the Act and this program.

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ARTICLE XI

INFORMATION REPORTS:

All persons subject to this program and the Act shall make and render such reports and furnish such information to the Director and the board as may be necessary or required to effectuate the purposes thereof. Information obtained by any person pursuant to this Article shall be confidential and shall not be disclosed to any other person, save a person with the right to obtain the same or any attorney employed by the board to give legal advice thereon or by court order.

ARTICLE XII

RULES AND REGULATIONS:

Section 1.

A public hearing must be held on all rules and regulations before they are adopted by the board or the Department. Public notice of such hearings shall be in accordance with "An Act in relation to meetings," approved July 11, 1957, as amended (Chapter 102, Paragraph 41 et seq. Illinois Revised Statutes).

Section 2.

All rules and regulations adopted by the board pursuant to the program shall be presented to the Director for approval. Rules and regulations adopted by the board and approved by the Director and any rule and regulation promulgated by the Director shall be filed in accordance with "An Act concerning administrative rules," approved June 14, 1951, as amended (Chapter 127, Paragraph 263 et seq. Illinois Revised Statutes).

Section 3.

All rules and regulations promulgated pursuant to the Act shall be made available to those persons affected by this program and the Act.

ARTICLE XIII

APPEALS:

Section 1.

Any person subject to this program may appeal to the board to review

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any administrative decision. Any such appeal must be filed in writing setting forth the facts upon which it is based.

Section 2.

Pending the disposition of any appeal set forth in Section 1 of this Article, the party shall abide by the decision unless the board shall rule otherwise. The board shall, if the facts stated show reasonable grounds, revise any order or decision upon which an appeal is taken.

ARTICLE XIV

A DEROGATION:

Nothing contained herein is or shall be construed to be in derogation or in modification of the rights of the Director or of the State to exercise any powers granted by the Act or otherwise, and in accordance with such powers to act in the premises whenever such action is deemed advisable.

ARTICLE XV

COOPERATION WITH OTHER AGENCIES:

The board, with the assistance of the Director and subject to the provisions of the Act, is authorized to cooperate with agencies of the United States government, the State of Illinois, and other states as deemed by the board and the Director to be desirable and useful in effectuating the purposes of this program and Act.

(1) Coordination and cooperation in promotion, advertising, educational programs, informational programs, disease control and research, marketing and transportation research, and any of the several areas of authority authorized by the program and the Act.

(2) Coordination of purposes with other boards, commissions, or any other marketing group in the State or other states, areas, or foreign countries so long as such cooperation is in the best interest of the soybean producers of Illinois.

ARTICLE XVI

EFFECTIVE TIME:

This marketing program and any amendments thereto shall become effective immediately upon their being approved by referendum and shall continue in

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effect for five (5) years and shall automatically be extended from year to year unless a referendum for continued approval is requested by written petition of no less than 2 per cent of soybean producers affected by the program as published in the Illinois Agricultural Statistics Annual Farm Census being published by the Illinois Cooperative Reporting Service. Such referendum is to be held in accordance with Section 10 of the Act.

ARTICLE XVII

SEVERABILITY:

If any provision of the marketing program or the Act shall be declared invalid, or the applicability thereof to any person, circumstance or thing is held invalid, the validity of the remainder of this marketing program or the Act or the applicability thereof to any person, circumstance or thing shall not be affected.

ARTICLE XVIII

Section 1.

"All assessments on soybeans marketed are due and payable to the board. Any due and payable assessment required under the provisions of any program created under this Act constitutes a personal debt of every person so assessed or who otherwise owes such assessment. Such assessment is due and payable to the board when payment is stipulated in the program and called for by the board. In the event any person fails to remit the full amount of such due assessment or such other sum within 30 days after the due date, the person owing such assessment shall be given an opportunity to present his case as provided for in Section 22 of the Act. When established that the assessment is correct, the board may add to the unpaid assessment or sum a penalty amount not exceeding 10 per cent of the amount due to defray the cost of enforcing the collection of the assessment or sum due. In the event of failure of a person to remit any properly due assessment or sum, the board may bring civil action against such person in the Circuit Court of any county for collection thereof, together with the above additional specified 10 per cent penalty assessment and court costs. Such action shall be tried and judgment rendered as in any other cause of action for debts due and payable."

(2)

Section 2.

"No person shall knowingly fail or refuse to comply with any requirement of this Act where obligated to comply by a duly approved

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marketing program. The board may institute any action which is necessary to enforce compliance with this Act, any rule or regulation thereunder or any program adopted pursuant to this Act. In addition to any other remedy provided by law the board may petition for injunctive relief without being required to allege or prove the absence of any other adequate remedy at law. Such action shall be brought in the Circuit Court of any county.

Before the board may institute any proceedings under this Act, the alleged violator shall first be given an opportunity to present his views to the board as to why such proceedings should not be instituted." (3)

(2) Quote from Section 20 of "An Act in relation to Soybean Marketing Program," being Public Act No. 78-739, approved September 11, 1973.

(3) Quote from Section 22 of "An Act in relation to Soybean Marketing Program," being Public Act No. 78-739, approved September 11, 1973.

(Source: Amended at 24 Ill. Reg. 1564, effective January 12, 2000)

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Section 700.APPENDIX F Procedures for Conducting Corn Marketing Program Referendums

ARTICLE I
DEFINITIONS

- a) "Act" means the Illinois Corn Marketing Act (Ill. Rev. Stat. 1991, ch. 5, par. 701 et seq.) [505 ILCS 40].
- b) "Corn" means and includes all kinds of varieties of corn (excluding popcorn and sweet corn) grown in this state and marketed and sold as corn by the producer. (Quoted from Section 3 of the Illinois Corn Marketing Act (Ill. Rev. Stat. 1991, ch. 5, par. 703) [505 ILCS 40/3]).
- c) "Corn Marketing Program" means the program established under the authority of the Corn Marketing Act and approved by the corn producers (2 Ill. Adm. Code 700.APPENDIX B).
- d) "Corn Marketing Board" means the board established by any corn marketing program to administer a corn marketing program.
- e) "Department" means the Department of Agriculture of the State of Illinois, P.O. Box 19281, Springfield, Illinois 62794-9281. (Quoted from Section 3 of The Illinois Corn Marketing Act (Ill. Rev. Stat. 1991, ch. 5, par. 703) [505 ILCS 40/3]).
- f) "Director" means the Director of the Department of Agriculture of the State of Illinois or a duly authorized representative. (Quoted from Section 3 of The Illinois Corn Marketing Act (Ill. Rev. Stat. 1991, ch. 5, par. 703) [505 ILCS 40/3]).
- g) "Eligible Voter" means one who is defined both as a person and as a producer in this program during the previous 365 days prior to the referendum date.
- h) "Person" means any natural person, partnership, corporation, society, association, representative or other fiduciary (Quoted from Section 3 of The Illinois Corn Marketing Act (Ill. Rev. Stat. 1991, ch. 5, par. 703) [505 ILCS 40/3]).
- i) "Producer" means any person engaged in this state in the business of producing and marketing corn and who is affected by the Corn Marketing Program by virtue of having the first right of ownership in any corn for which payment is received at the first point of sale.

ARTICLE II

REQUESTING SUBSEQUENT CORN MARKETING REFERENDUMS

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Following receipt of a petition to amend the existing corn marketing program, the Director shall hold a public hearing for the purpose of informing corn producers of the proposed changes to a program and to solicit public comments on the proposed changes. The Director shall publish notice of the public hearing in the official State newspaper and issue a press release to newspapers of general circulation and to other news media at least 2 weeks prior to the date of the hearing. Following the public hearing, the findings of the hearing shall be sent to all parties of record appearing at the hearing.

If the proposed amendment is approved by the Corn Marketing Board following the public hearing, the Director shall hold a referendum within 90 days from receipt of the Board's approval in accordance with the provisions of Article III of this Appendix.

Prior to the consideration of any proposed amendment to an existing corn marketing program, the Director shall require the sponsors thereof to deposit funds for expenses of preparing, holding hearings, and conducting the referendum. Such funds shall be in the amount as set forth in Section 8 of the Act, and the funds shall be held and distributed in accordance with the provisions of Section 8 of the Act.

ARTICLE III
REFERENDUMS

Section I - Voting.

The Director shall hold referendums in accordance with the provisions of Sections 7, 9, and 21 of the Act.

All referendums shall be conducted by one of the following methods as determined by the Director:

- a) by a ballot cast at the local Cooperative Extension Service office serving the area in which such eligible voter resides, unless an alternate location is designated by the Director because of unaccessible facilities or where no Cooperative Extension office exists in the area; or
- b) by a ballot mailed to producers. A period of 21 days from the date of mailing of the ballot shall be allowed for the return of such ballots. Ballots shall be returned to the Director by mail or by personal delivery by the voting producer at such address as may be designated by the Director. Under this voting method, all ballot processing will be administered by a Teller Committee appointed by the Director and composed of members of the agricultural community.

When requested in writing, the Director shall provide a ballot to any producer whose name does not appear on the official mailing list of producers or who for

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any reason did not receive a ballot.

The Agricultural Stabilization and Conservation Service's most current list of producers shall be the official mailing list used for such referendums.

An amendment to a corn marketing program is approved when a majority of those voting in the referendum vote in favor of such program.

The Director shall control all ballots and producer affidavits, except when the ballots and affidavits are in the hands of the election judges/teller committee.

Section 2 - Referendum Publicity

Notification of the referendum date shall be published once in the official State newspaper and made available to trade publications and the public press at least 2 weeks prior to the referendum date.

Section 3 - Election Judges

If voting is done pursuant to Section 1(a), the Director shall appoint 2 persons to serve as election judges at each polling place. Election judges shall determine the eligibility of the person to vote in the referendum, maintain voting integrity, preserve the confidentiality of all referendum ballots, count ballots and determine the results of the referendum for that location, report total voting results to the Department, and return both marked and blank ballots, producer affidavits, and any other referendum information to the Department after the referendum, either personally or by certified mail.

ARTICLE IV

QUALIFICATION TO VOTE

Any person who is defined as a producer in the corn marketing program shall be entitled to one vote. Such eligible voter shall sign a statement or affidavit declaring that such person is an eligible voter in the program.

An eligible voter who meets the definition of a "producer" in more than one country or on more than one tract of land may only vote once in their own name. If more than one vote is cast, only one vote, cast in the county of residence, will be counted.

A person or business organization which meets the "producer" definition may designate some individual to vote on its behalf. In such cases, the following guidelines apply:

In cases of associations, businesses, cooperatives, universities, colleges, foundations, or any other business entity, only an officer may cast one vote for this business organization.

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Partnership or joint tenancy: If the ownership of the commodity is held in the partnership name or in joint ownership, only one partner/owner may cast one vote. It is the responsibility of the partnership/joint ownership to decide who will vote.

Fiduciary: Only the court-appointed legal representative of a trust, estate, conservatorship, guardianship or other fiduciary relationship may cast one vote for the business held in trust.

Landlord and tenant: Each may cast one vote if each meets the "producer" definition.

Husband and wife: If the corn is held in joint ownership by both husband and wife, only one spouse may cast one vote. If each spouse meets the "producer" definition as a separate entity, then each may cast one vote.

ARTICLE V

TELLER COMMITTEE TO CERTIFY RESULTS

Within 2 weeks after the referendum date, the Director shall appoint a teller committee to count ballots that have been received from the election judges, to canvass and to certify results of the referendum.

ARTICLE VI

ABSENTEE BALLOTS

Under Section 1(a) of Article III:

The Director shall provide to any eligible voter who resides outside of the State of Illinois or who cannot be physically present at the polls ~~expects-to-be-absent-from-the-county-or-residence~~ on the day of the referendum an absentee ballot upon request in writing to the Director. Absentee ballots are available beginning 30 days prior to the referendum date.

Any eligible voter requesting an absentee ballot shall file with the Director an affidavit swearing that such eligible voter is eligible to vote in the referendum. Such affidavit shall be available from the Director.

All absentee ballots and affidavits shall be returned to the Director at least 2 working days prior to the referendum date.

Postcards for requesting absentee ballots shall be available at each Cooperative Extension office or designated polling place and from the Division of Marketing of the Department. Each person requesting an absentee ballot must sign the card and state the address.

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The Director shall receive, date stamp, determine the voter eligibility, and preserve the confidentiality of all absentee ballots.

(Source: Amended at 24 Ill. Reg. 15 6 4 effective January 12, 2000)

ILLINOIS LIQUOR CONTROL COMMISSION

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1) Heading of the Part: Beverage Alcohol Sellers and Servers Education and Training (BASSET) Programs

2) Code Citation: 77 Ill. Adm. Code 3500

3) Section Numbers: Adopted Action:
3500.120 Amendment
3500.125 Amendment

4) Statutory Authority: The Liquor Control Act of 1934 [235 ILCS 5/3-12(a)(2) and (a)(11)]

5) Effective Date of Rulemaking: January 14, 2000

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rulemaking contain incorporations by reference? No

8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Notice of Proposal Published in Illinois Register: October 15, 1999, 23 Ill. Reg. 12514

10) Has JCAR issued a Statement of Objection to these amendments? No

11) Differences between proposal and final version: None

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes

13) Will this rulemaking replace an emergency amendment currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Rulemaking:

Section 3500.120: The summary of the amendment is to change the license fee from \$200 to \$250 and delete the license fee payment exemption of any unit of local, State or federal government. The purpose behind the change is that the increase is needed to effectively administer the program and the Commission does not grant any other license payment exemption for local, State or federal government so we feel it should not apply solely to this program; any fees paid by units of government can be recouped by charging course participants.

Section 3500.125: The summary and purpose of the amendment is to require an annual renewal process so that this Commission can be assured that the

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curriculum being taught conforms to current standards, for example the inclusion of new rule and statute changes in the alcoholic liquor area.

16) Information and questions regarding these adopted amendments shall be directed to:

Anne T. Treonis
Technical Advisor/Staff Attorney
Illinois Liquor Control Commission
100 W. Randolph St., #5-300
Chicago, IL 60601
(312)814-2604
(312)814-2241 fax
anne.treonis@cms.state.il.us

The full text of the adopted amendment begins on the next page:

ILLINOIS LIQUOR CONTROL COMMISSION

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TITLE 77: PUBLIC HEALTH
CHAPTER XVI: LIQUOR CONTROL COMMISSION

PART 3500
BEVERAGE ALCOHOL SELLERS AND SERVERS EDUCATION
AND TRAINING (BASSET) PROGRAMS

Section	
3500.101	Programs Subject to Licensure
3500.105	Purpose of BASSET
3500.110	License Applications
3500.115	Renewal Applications
3500.120	License Fees
3500.125	Period of Licensure
3500.130	Acceptance for Processing
3500.135	Non-transferability of License
3500.140	Change in BASSET Program Director or Services
3500.145	Exceptions for BASSET Programs
3500.150	Compliance With Local Government Ordinances
3500.155	BASSET Curriculum Requirements
3500.160	BASSET Programmatic Requirements
3500.165	BASSET Program Fee
3500.170	Sanctions

AUTHORITY: Implementing and authorized by Section 3-12(a)(2) and (11) of the Liquor Control Act of 1934 [235 ILCS 5/3-12(a)(2) and (11)].

SOURCE: Adopted at 20 Ill. Reg. 13591, effective October 3, 1996; codification change at 21 Ill. Reg. 9319; recodified from 77 Illinois Administrative Code 2057 to 77 Illinois Administrative Code 3500 at 23 Ill. Reg. 11342; amended at 24 Ill. Reg. 1630, effective 1/14/2001.

Section 3500.120 License Fees

- a) Application fees shall be due on application for each license. Application fees are not refundable. Payment shall be made by check or money order made payable to the Illinois Liquor Control Commission. Payment shall not be in the form of U.S. currency, foreign currency, or stamps. A separate check or money order shall be submitted for each application.
- b) Fees--1) The fee for application for a license is \$250 per year \$200-00.
2) ~~The fee for application for renewal of a license is \$200-00.~~
3) ~~No application fee shall be required of any unit of local, State or federal government.~~

(Source: Amended at 24 Ill. Reg. 1630 3, effective

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JAN 14 2000)**Section 3500.125 Period of Licensure**

Each license issued by the Commission shall be effective for a period of one year three years.

(Source: Amended at 24 Ill. Reg. 1630, effective JAN 14 2000.)

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1) Heading of the Part: Camping on Department of Natural Resources Properties

2) Code Citation: 17 Ill. Adm. Code 130

3) Section Numbers: Adopted Action:
130.50 Amendments
130.70 Amendments

4) Statutory Authority: Implementing and authorized by Sections 1 and 4(1) and (5) of the State Parks Act (20 ILCS 835/1 and 4(1)) and (5)(1), and by Sections 63a23 and 63a28 of the Civil Administrative Code of Illinois [20 ILCS 805/63a23 and 63a28].

5) Effective Date of Amendments: January 13, 2000

6) Does this rulemaking contain an automatic repeal date? No

7) Does this amendment contain incorporations by reference? No

8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Notice of Proposal Published in Illinois Register: October 15, 1999, 23 Ill. Reg. 12523

10) Has JCAR issued a Statement of Objection to these amendments? No

11) Differences between proposal and final version:

In the Authority Note, the comma following "1" was changed to "and" in two places.

In Section 130.50(h), "this" was changed to "reservation" and "An additional" was changed to "A".

In Sections 130.50(h) and 130.70(a)(1)(K), the ".00" following the dollar amount was removed.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes

13) Will this rulemaking replace an emergency amendment currently in effect?
No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Rulemaking: These amendments were proposed to

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TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER a: LANDS

PART 130
CAMPING ON DEPARTMENT OF NATURAL RESOURCES PROPERTIES

Section	Location
130.10	Purpose of Campground
130.20	Classification of Camps by Equipment Used - Definitions
130.30	Definition of a Camp
130.40	Registrations
130.50	Permits, Extensions and Time Limits
130.60	Fees and Charges
130.70	Refunds
130.80	Check-in and Check-out Times
130.90	Unoccupied Camps
130.100	Vehicles per Camp (Refer to 17 Ill. Adm. Code Section 130.30)
130.110	Youth Group (Boy Scouts, Girl Scouts, Explorers, church groups, or others)
130.120	Organization Group Camps (charter organizations, ROTC, private clubs or others)
130.130	Campground Host Program
130.135	Use of Campground
130.140	Eviction
130.150	

AUTHORITY: Implementing and authorized by Sections 1 and 4(1) and (5) of the State Parks Act [20 ILCS 835/1 and 4(1) and (5)], and by Sections 63a23 and 63a28 of the Civil Administrative Code of Illinois [20 ILCS 805/63a23 and 63a28].

SOURCE: Adopted at 4 Ill. Reg. 7, p. 110, effective February 4, 1980; emergency amendment at 5 Ill. Reg. 5707, effective June 1, 1981 for a maximum of 150 days; codified at 5 Ill. Reg. 10623; amended at 5 Ill. Reg. 14568, effective December 9, 1981; amended at 6 Ill. Reg. 3840, effective March 31, 1982; amended at 6 Ill. Reg. 9626, effective July 21, 1982; amended at 6 Ill. Reg. 14835, effective November 24, 1982; amended at 7 Ill. Reg. 5870, effective April 22, 1983; amended at 8 Ill. Reg. 5647, effective April 16, 1984; amended at 9 Ill. Reg. 6173, effective April 23, 1985; amended at 9 Ill. Reg. 11594, effective July 16, 1985; amended at 10 Ill. Reg. 9777, effective May 21, 1986; amended at 10 Ill. Reg. 13244, effective July 28, 1986; amended at 11 Ill. Reg. 9506, effective May 15, 1987; amended at 14 Ill. Reg. 12402, effective July 20, 1990; emergency amendment at 16 Ill. Reg. 7925, effective May 11, 1992, for a maximum of 150 days; emergency expired October 8, 1992; amended at 16 Ill. Reg. 15982, effective October 2, 1992; amended at 18 Ill. Reg. 1126, effective January 18, 1994; amended at 19 Ill. Reg. 6462, effective April 28, 1995; amended at 20 Ill. Reg. 6683, effective May 6, 1996; amended at 21 Ill. Reg.

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initiate the first night's fee for all camping sites. In addition to the \$5 non-refundable fee, the first night's camping and utility fee is required at the time reservations are made.

16) Information and questions regarding these adopted amendments shall be directed to:

Jack Price
Department of Natural Resources
524 S. Second Street, Room 430
Springfield IL 62701-1787
217/782-1809

The full text of the adopted amendments begins on the next page:

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9034, effective June 26, 1997; amended at 22 Ill. Reg. 3076, effective January 23, 1998; amended at 22 Ill. Reg. 11781, effective June 24, 1998; amended at 23 Ill. Reg. 8376, effective July 7, 1999; amended at 24 Ill. Reg. 1634, effective JAN 13 2000.

Section 130.50 Registrations

- a) A permit will be issued and fees collected at the time the camp is established or as soon as possible thereafter (see Sections 130.70 and 130.80).
- b) The camping attendant has the authority to assign sites.
- c) A responsible adult (18 years of age or older) from the camping party must register for the party and thereby acknowledge compliance to the rules and regulations of the park for the party.
- d) Curfew: the provisions of Section 1 of the Child Curfew Act [720 ILCS 555/1] with reference to curfew for persons under the age of 17 years are in effect on Department of Natural Resources' properties.
- e) The camp shelter or any other camping equipment shall not be brought into the park prior to the arrival of the camping party.
- f) No camping equipment shall be placed on any campground site while that site is occupied by another camping party. A person acquiring a permit must have camp shelter at the time of registration and must occupy the site at that time.
- g) In "emergency situations", the camping attendant may designate an area and charge a fee commensurate with facilities provided (see Section 130.70).
- h) Reservations will be accepted at selected sites offering reservation this service. A ~~non-refundable~~ non-refundable fee must be submitted for each site reserved. The ~~At-Starved-Rock-State-Park~~, the reservation fee shall be the applicable first night's camping and utility fee in addition to the \$5.00 per campsite non-refundable fee and is required at the time reservation is made for individual campsite reservations. The ~~At-Starved-Rock-State-Park~~, the reservation fee insures that a reserved campsite will be held until 3:00 p.m. of the next day assuring reservation holders of a campsite in the event of late arrival.

(Source: Amended at 24 Ill. Reg. 1634, effective JAN 13 2000)

Section 130.70 Fees and Charges

- a) The full amount of the camping fee and, if applicable, the utility fee shall be collected at the time the permit is issued. If checks are taken, they shall be made payable to the Illinois Department of Natural Resources and the site identified. Camping fees vary in accordance with the degree of campground development and type of facilities available effective May 11, 1992 as follows:

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- 1) Spring - Summer Camping (May 1 through September 30)
 - A) Class A Sites: Camping fee of \$8 per night per site, \$3 utility fee. Sites having availability to showers, electricity and vehicular access.
 - B) Class B-E Sites: Camping fee of \$7 per night per site, \$3 utility fee. Sites having availability to electricity and vehicular access.
 - C) Class B-S Sites: Camping fee of \$8 per night per site. Sites having availability to showers and vehicular access.
 - D) Class C Sites: Camping fee of \$7 per night per site. Sites having vehicular access or tent camp/primitive sites (walk-in or backpack) having availability to showers.
 - E) Class D Sites: Camping fee of \$6 per night per site. Tent camping or primitive sites with no vehicular access.
 - F) Youth Group Camping: \$1 per person, minimum daily camping fee of \$10.
 - G) Adult Group Camping: \$3 per person, minimum daily camping fee of \$30.
 - H) Each member of an organized group utilizing facilities furnished at Dixon Springs State Park and Pere Marquette State Park shall pay a fee of \$4 per night. At Dixon Springs, a deposit of \$40 will be required before confirmation of a reservation. At Pere Marquette, a deposit of \$100 will be required before confirmation of a reservation. The deposits will be credited to the total camping fee. Fees for day use of the group camps at Dixon Springs and Pere Marquette shall be \$45 per day.
 - I) Rent-A-Camp Sites will be made available at designated state parks and recreational areas throughout the department's statewide system. Rent-A-Camp Tent areas will provide, at additional fees of \$8 and \$12 per night, one large tent (approximately 10' x 13') or one extra large tent (approximately 14' x 14'), respectively (erected), with wood floor, one charcoal grill, one picnic table, one trash barrel, and either 4 sleeping cots per large tent or 8 sleeping cots per extra large tent. The total overnight fee for a Rent-A-Camp Tent will be based on the basic fees of \$8 or \$12 per night in addition to the fee for the Camp A Campsite.
 - J) Rent-A-Camp Tent at Class A Sites:
 - Rest-A-Camp Tent at Class A Sites: \$8 or \$12 plus \$3 utility fee and \$8 camping fee per night per site at all sites having availability to showers, electricity and vehicular access.
 - Rent-A-Camp Cabin areas will provide, at an additional fee of \$24 per night, one 2-bedroom cabin with 2 bunk beds, one full-sized bed, ceiling fans, electric heaters, table with chairs, one charcoal grill, one picnic table, and one trash barrel. The total overnight fee for a Rent-A-Camp Cabin

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will be based on the basic fee of \$24 per night in addition to the fee for the class of the camping site on which the Rent-A-Camp Cabins are located.

Rent-A-Camp Cabins at Class A Sites:

\$24 cabin rental plus \$3 utility fee and \$8 camping fee per night, per site at all sites having availability to showers and vehicular access.

- K) A \$5 per campsite non-refundable fee must be remitted at those facilities offering reservation services. This fee applies to reservations for group campsites as well as individual site reservations and individual Rent-A-Camp Cabin and individual Rent-A-Camp Tent reservations. In addition to the \$5 non-refundable fee, the first night's camping and utility fee ~~At--Starved-Rock-State-Park--the reservation--fee--shall--be--the--applicable--first--night's camping-and-utility-fee-in-addition-to-the-\$5--per--campsite non-refundable--fee--and~~ is required at the time reservations are made for individual campsite reservations.

The Rent-A-Camp Cabin and Tent reservation fee for each cabin/tent will be the applicable first night's cabin/tent rental, camping and utility fees if applicable, in addition to the \$5 per campsite non-refundable reservation fee, and is required at the time reservations are made for individual Rent-A-Camp Cabin and Tent campsites.

- 2) Fall - Winter Camping (October 1 through April 30)

- A) As long as buildings, water and electrical service are available, regardless of the date, the regular camping fee will apply.
- B) When cold weather requires closing down buildings and shutting off water in Class A campgrounds, the fee shall be reduced commensurate with the services and facilities available for use.
- C) The fee for primitive campsites shall be \$6 per site. When a change in facilities is made and a campsite is reclassified, the fee for a site will change automatically.

b) Exceptions: Employees, Concessionaires, and Special Legislation

- 1) Except for temporary employees of the Department of Natural Resources who qualify and are placed in the campground host program at approved camping sites, employees of the Department of Natural Resources or any other State agency, regardless of their official status, will be required to pay the established camping fee.
- 2) The concessionaire, manager, or a responsible employee designated by the concessionaire will not be charged the regular camping fee. Rent will be paid at the rate established by the Department or pursuant to the concession lease.
- 3) An Illinois resident age 62 or older, or a person who has a Class 2 disability as defined in Section 4A of the Illinois

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Identification Card Act [15 ILCS 335/4A] or a disabled veteran, or a former prisoner of war as defined in Section 5 of the Department of Veterans Affairs Act [20 ILCS 2805/5], is entitled to the following camping fee provisions, upon qualifying, which will allow the spouse or minor (under 18) children, or minor grandchildren to be included in the camping party. All other members must be registered and pay the regular camping fee for the facilities provided.

- A) Illinois residents age 62 or older will be charged one-half the established camping fee on any Monday, Tuesday, Wednesday or Thursday, at Class A and B sites but must pay the entire established camping fee on all sites on any Friday, Saturday or Sunday, and, if at a site with utilities, must pay the entire utility fee for each day of camping. Verification of age may be made by any document required by law to establish proof of age and date of birth and issued by a federal or state governmental agency. No fee on Class C and D sites Monday through Thursday.

- B) Illinois residents who have a Class 2 disability and present a current Illinois Disabled Person Identification Card issued by the Secretary of State will be charged one-half the established camping fee for Class A and B sites on any Monday, Tuesday, Wednesday, or Thursday, but must pay the entire established camping fee for any Friday, Saturday or Sunday, and, if at a site with utilities, must pay the entire utility fee for each day of camping. No fee on Class C and D sites.

- C) An Illinois resident who is a disabled veteran or former prisoner of war may camp without being charged a camping fee, but if at a site with utilities, must pay the entire utility fee for each day of camping. An individual wishing to qualify for free camping under the provisions stated above must be able to submit the appropriate document issued by the Illinois Department of Veterans' Affairs (see 20 ILCS 2805/5).

(Source: Amended at 24 Ill. Reg. 1634 effective
JAN 13 2001)

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NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Consignment of Licenses, Stamps and Permits
- 2) Code Citation: 17 Ill. Adm. Code 2520
- 3) Section Numbers: Adopted Action:
2520.10 Amendments
- 4) Statutory Authority: Implementing and authorized by Sections 1.4, 3.1, 3.2, 3.37, 3.38 and 3.39 of the Wildlife Code [520 ILCS 5/1.4, 3.1, 3.2, 3.37, 3.38 and 3.39] and Sections 1-125, 20-5, 20-10, 20-30, 20-45, 20-55 and 20-120 of the Fish and Aquatic Life Code [515 ILCS 5/1-125, 20-5, 20-10, 20-30, 20-45, 20-55 and 20-120].
- 5) Effective Date of Amendments: January 13, 2000
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: October 22, 1999, 23 Ill. Reg. 13048
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will these amendments replace an emergency amendment currently in effect?
No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendment: These amendments will update regulations for agents to meet preferred status by changing the minimum number of current license year remittances and no sales reports from 10 to 9 and changing the months they are due from March-December to April-December.
- 16) Information and questions regarding these adopted amendments shall be directed to:

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Jack Price
Department of Natural Resources
524 S. Second Street, Room 430
Springfield IL 62701-1787
217/782-1809

The full text of the adopted amendments begins on the next page:

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

TITLE 17: CONSERVATION
 CHAPTER I: DEPARTMENT OF NATURAL RESOURCES
 SUBCHAPTER f: ADMINISTRATIVE SERVICES

PART 2520
 CONSIGNMENT OF LICENSES, STAMPS AND PERMITS

Section	
2520.10	Consignment Requirements
2520.20	Issuing Licenses, Stamps and Permits
2520.30	Terms
2520.40	Credit to Vendor Accounts
2520.50	Issuance of Replacement Hunting, Fishing and Trapping Licenses, Stamps and Permits
2520.60	Sale of Licenses by Telephone or Electronic Transmission

AUTHORITY: Implementing and authorized by Sections 1.4, 3.1, 3.2, 3.37, 3.38 and 3.39 of the Wildlife Code [520 ILCS 5/1.4, 3.1, 3.2, 3.37, 3.38 and 3.39] and Sections 1-125, 20-5, 20-10, 20-30, 20-45, 20-55 and 20-120 of the Fish and Aquatic Life Code [515 ILCS 5/1-125, 20-5, 20-10, 20-30, 20-45, 20-55 and 20-120].

SOURCE: Adopted and codified at 7 Ill. Reg. 8760, effective July 15, 1983; amended at 8 Ill. Reg. 5660, effective April 16, 1984; amended at 9 Ill. Reg. 14626, effective September 17, 1985; amended at 11 Ill. Reg. 4633, effective March 10, 1987; amended at 15 Ill. Reg. 7653, effective May 7, 1991; amended at 16 Ill. Reg. 8479, effective May 26, 1992; amended at 18 Ill. Reg. 9991, effective June 21, 1994; amended at 19 Ill. Reg. 7541, effective May 26, 1995; recodified by changing the agency name from Department of Conservation to Department of Natural Resources at 20 Ill. Reg. 9389; amended at 20 Ill. Reg. 14417, effective October 25, 1996; amended at 21 Ill. Reg. 6483, effective May 19, 1997; amended at 22 Ill. Reg. 10466, effective June 1, 1998; amended at 23 Ill. Reg. 6818, effective May 20, 1999; amended at 24 Ill. Reg. 1641, effective JAN 13 2000.

Section 2520.10 Consignment Requirements

- a) The Department of Natural Resources (DNR) has the authority to designate agents to sell licenses, stamps and permits on behalf of the Department. DNR consigns hunting, fishing, trapping and ginseng harvester licenses, migratory waterfowl, salmon and wildlife conservation stamps, and archery permits, hereinafter referred to as licenses, stamps and permits, for sale by county, city, village, township and incorporated town clerks, upon receipt of their completed application and elected official license vendor contract, and fulfillment of requirements set forth in this Part. The Department also consigns the licenses, stamps and permits to other persons, hereinafter referred to as "direct agents", upon receipt of their

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completed application, license vendor contract, evidence of financial responsibility, and fulfillment of the requirements set forth in this Part. The term "direct agent" means all persons authorized by the Department to sell licenses, stamps and permits other than elected or appointed officials and department employees. License vendors, including employees of the Department selling licenses, stamps and permits, shall collect an issuing fee in addition to the license, stamp and permit fee as provided in 515 ILCS 5/20-120 and 520 ILCS 5/3.37 as follows: 75 cents for each Sportsmen's Combination license and non-resident hunting license, and 50 cents for all other licenses, stamps and permits authorized by the above statutes. All licenses, stamps and permits consigned and fees collected from the sale of licenses, stamps and permits (except the authorized issuing fee) remain the property of the State of Illinois. Funds received from the sale of licenses, stamps and permits (except the authorized issuing fee) shall not be directed to any purpose other than remittance to the Department.

- b) County, city, village, township and incorporated town clerks may appoint sub-agents within the territorial area for which they are elected or appointed. Elected or appointed officials and Department employees selling licenses, stamps and permits are liable to the State for all licenses, stamps and permits consigned to their account, including any licenses, stamps and permits furnished by a clerk to any sub-agent. Any clerk appointing sub-agents must notify the Department, within 10 days following the appointment, the names and mailing addresses of such sub-agents. No part of the issuing fees collected may be retained as personal compensation by the clerk. Issuing fees may be divided between the clerk and appointed sub-agents other than employees of the Clerk's office, but in no case may any clerk and/or sub-agent charge an issuing fee or fees totaling more than the amounts set out in subsection (a) of this Section. DNR assumes no liability for any license, stamp or permit furnished by any elected or appointed clerk to any sub-agent.

- c) All direct agents, including concessionaires holding contracts with the Department shall be required to furnish DNR with evidence of financial responsibility. Such evidence shall be in the form of a surety bond, letter of credit or certificate of deposit, in an amount equal to the value of licenses, stamps and permits consigned with the exception of direct agents with a preferred status. Direct agents must meet the following qualifications to receive a preferred status:
- 1) The direct agent must sell licenses, stamps and permits for one complete license year.
 - 2) The Department must have received a minimum of 9 1/10 monthly current license year remittances or no sales reports between April March and December (inclusive).

If these qualifications are met the direct agent's consignments may total 50% over the amount of their financial evidence. All direct agents with a preferred status will be reviewed annually. If

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qualifications have been met, the preferred status will continue for the following license year. If the qualifications have not been met, the preferred status is removed and the direct agent will be consigned licenses, stamps and permits equal to the amount of financial evidence. Surety bonds and letters of credit shall be on a form furnished by and approved by DNR, with surety or sureties satisfactory to DNR, conditioned upon such agents paying to the State of Illinois all monies becoming due by reason of the sale of licenses, stamps and permits. No direct agent may appoint sub-agents.

(Source: Amended at 24 Ill. Reg. 1641, effective
JAN 13 2001)

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NOTICE OF ADOPTED REPEALER

- 1) Heading of the Part: Illinois Salmon Stamp Contest Procedures
- 2) Code Citation: 17 Ill. Adm. Code 2550
- 3) Section Numbers:

2550.10	<u>Adopted Action:</u>
2550.15	Repealed
2550.20	Repealed
2550.30	Repealed
2550.40	Repealed
2550.50	Repealed
2550.60	Repealed
2550.70	Repealed
2550.80	Repealed
2550.90	Repealed
2550.100	Repealed
EXHIBIT A	Repealed
- 4) Statutory Authority: Implementing Sections 1-5, 1-90, 1-125, 20-10 and 20-115 of the Fish and Aquatic Life Code [515 ILCS 5/1-5, 1-90, 1-125, 20-10 and 20-115] and authorized by Section 5-25 of The Illinois Procurement Code [30 ILCS 500/5-25].
- 5) Effective Date of Repealer: January 13, 2000
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this repealer contain incorporations by reference? No
- 8) A copy of the adopted repealer, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Date Notice of Proposal Published in Illinois Register: October 15, 1999, 23 Ill. Reg. 12530
- 10) Has JCAR issued a statement of objection to this repealer? No
- 11) Differences between proposal and final version: Authority Note and statutory citations were updated.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this repealer replace an emergency repealer currently in effect? No
- 14) Are there any amendments pending in this Part? No

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED REPEALER

15) Summary and Purpose of Repealer: The purpose of this Part was to provide contest procedures for the Illinois Salmon Stamp Contest. This contest is no longer held by the Department.

16) Information and questions regarding this repealer shall be directed to:

Jack Price
Department of Natural Resources
524 S. Second Street, Room 485
Springfield, IL 62701-1787
217/782-1809

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Internet Filing of Illinois Individual Income Tax Returns

2) Code Citation: 86 Ill. Adm. Code 106

<u>Section Numbers:</u>	<u>Adopted Action:</u>
106.100	Amendment
106.110	Amendment
106.120	Amendment
106.200	Amendment
106.300	Amendment
106.310	New Section

4) Statutory Authority: 35 ILCS 5

5) Effective Date of Amendment(s): January 14, 2000

6) Does this rulemaking contain an automatic repeal date? No

7) Does this amendment contain incorporations by reference? No

8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Notice of Proposal Published in Illinois Register: October 29, 1999, 23 Ill. Reg. 13188

10) Has JCAR issued a Statement of Objections to these Amendments? No

11) Differences between proposal and final version: The only changes made were the ones agreed upon with JCAR. The changes made were grammar and punctuation or technical. No substantive changes were made.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will this amendment replace an emergency amendment currently in effect?
No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Amendment(s): Updates the Internet Filing of Illinois Individual Income Tax Returns to expand the number of taxpayers eligible to file by this method. Also allows for the use of credit cards to pay tax due and direct deposit for receipt of tax overpayments.

16) Information and questions regarding this adopted amendment shall be

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directed to:

Melanie Jarvis
Associate Counsel
Illinois Department of Revenue
Legal Services Office
101 West Jefferson
Springfield, Illinois 62794
Phone: (217) 782-6996

The full text of the adopted amendment begins on the next page:

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

TITLE 86: REVENUE
CHAPTER I: DEPARTMENT OF REVENUE

PART 106

INTERNET FILING OF ILLINOIS INDIVIDUAL INCOME TAX RETURNS

SUBPART A: INTERNET RETURNS

Section
106.100
106.110
106.120
106.130

Composition of an Internet Return
Electronic Signature
Exclusions from Internet Filing
Where to Send Internet Returns

SUBPART B: INTERNET FILING PARTICIPANTS

Section
106.200

General Information

SUBPART C: BALANCE DUE RETURNS AND DIRECT DEPOSIT OF REFUNDS

Section
106.300
106.310

Balance Due General Information
Direct Deposit General Information

SUBPART D: TRANSMISSION PROCEDURES

Section
106.400

Confirmation of Internet Returns

AUTHORITY: Implementing the Illinois Income Tax Act [35 ILCS 5] and the Illinois Civil Administrative Code [20 ILCS 2505/39c-1a].

SOURCE: Adopted at 23 Ill. Reg. 3502, effective March 8, 1999; amended at 24 Ill. Reg. 1648-7 effective JAN 14 2000.

SUBPART A: INTERNET RETURNS

Section 106.100 Composition of an Internet Return

- a) An eligible Internet return consists of data transmitted to the Department electronically via the Internet, including an electronic signature. An eligible return may contain paper documents that are requested to be sent to the Department, or retained by the taxpayer for verification. In total, eligible Internet returns contain the same information as traditionally filed paper documents.
- b) Forms and schedules included in an eligible return that can be transmitted via the Internet include, but are not limited to, the

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following:

- 1) IL-1040, Illinois Individual Income Tax Return,
- 2) W-2, Wage and Tax Statement, and
- 3) W-2G, Statement for Certain Gambling Winnings.

c) See Section 106-120 of this Part for the limitations on persons who can file via the Internet.

(Source: Amended at 24 Ill. Reg. 1648 effective JAN 14 2001)

Section 106.110 Electronic Signature

a) The taxpayer's signature code, consisting of the taxpayer's social security number and Access Code issued by the Department ~~Illinois~~ drivers-license-or-identification-number-issued-by--the--Secretary--of State, is to be used in lieu of a written signature when filing eligible returns, forms or other documents with the Department via the Internet.

b) Transmitting a valid signature code as part of an Internet filing has the same legal effect as if the taxpayer had signed the eligible return or other documents transmitted as part of that Internet filing.

c) The taxpayer's signature code will be transmitted to the Department at the beginning of the Internet filing process and will remain valid throughout the process and apply to all subsequent screens transmitted to the Department. This includes, but is not limited to, the screen containing the verification of information contained within the eligible return (penalties of perjury statement) and the screen containing a request for the Department to show the taxpayer his or her return after filing for the purpose of printing a copy.

d) Internet filed eligible returns and other documents will be considered unsigned unless both components of the taxpayer's signature code are transmitted and received by the Department as part of the Internet filing. (See 35 ILCS 5/503.)

e) The signature code is considered to be valid until:

- 1) The taxpayer notifies the Department that the signature code has been compromised, or
- 2) The Department determines that the signature code has been compromised.

f) If the taxpayer exits the system after filing but before printing a copy of his or her return, then the taxpayer will be allowed to re-access the system for the purpose of printing the return. Taxpayers must enter their signature code and confirmation number. They will be required to request a copy of their return to be transmitted to them and the signature code they enter upon entering the system will be their signature for the request.

(Source: Amended at 24 Ill. Reg. 1648 effective JAN 14 2001)

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Section 106.120 Exclusions from Internet Filing

The following types of returns or other documents are excluded from Internet filing:

a) Returns or other documents that are not listed in subsection (b) of Section 106.100 of this Part.

b) Returns or other documents listed in subsection (b) of Section 106.100 of this Part that require additional forms, schedules, or other documents, or that require the reporting of information that the Department is unable to currently accept through the Internet program. ~~Taxpayers--filing--the--following--types--of--returns--are--excluded--from--internet filing--~~

a) Returns requiring forms or schedules not listed in Section 106-100(b); Returns that include Internal Revenue Service (IRS) or Illinois forms 4852, or any other substitute wage and tax statement used to verify withholding;

c) Returns that require attachments to verify IRS-1040--subtractions--for federally-taxed retirement and Social Security;

d) Returns that require attachments to verify IRS-1040--subtractions--for U.S. government obligations;

e) Returns that require attachments to verify IRS-1040--subtractions--for military pay;

f) Decedent returns, including joint returns filed by surviving spouses;

g) Fiscal year returns;

h) Prior year returns;

i) Amended or corrected returns;

j) Returns with dollars and cents entries (only whole dollar amounts will be accepted);

k) Returns containing more than:

- 1) 20-W-2s
- 2) 30-W-2Gs
- 3) 30-statements;
- 4) Other subtractions
- 5) Estimated tax payments
- 6) Credit for taxes paid to other states
- 7) Schedule 1299-G credits
- 8) IRS-2210 penalty;

m) Returns that contain exemptions for being either 65 years of age or older or legally blind; and

n) Nonresident and part-year resident returns requiring schedule NR.

(Source: Amended at 24 Ill. Reg. 1648 effective JAN 14 2001)

SUBPART B: INTERNET FILING PARTICIPANTS

Section 106.200 General Information

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- a) Only taxpayers that who have been authorized as Internet Filers may participate and file their eligible return with the Department via the Internet.
- b) An Internet Filer is a taxpayer authorized to file eligible returns via the Internet. A taxpayer is authorized to file such returns once they receive an Access Code from the Department. Internet-Filers-will receive one Access-Code-per-return-to-be-filed.---Therefore, Internet Filers who are married and file joint returns will receive two only one Access Codes Code.
- c) The Department reserves the right to limit the number of participants and returns filed via the Internet.
- d) The option of Internet filing will be available for participants until April 15 of the filing year or any other filing date designated by the Department on its Internet filing website.

(Source: Amended at 24 Ill. Reg. 1648 5, effective JAN 14 2000)

SUBPART C: BALANCE DUE RETURNS AND DIRECT DEPOSIT OF REFUNDS

Section 106.300 Balance Due General Information

- a) The Internet Filer is responsible for submitting payment of any balance due the Department, no later than April 15 of the filing year. (See 35 ILCS 5/601.) Failure to make full payment by this date will result in the imposition of interest and penalties. (See 35 ILCS 735/3-2 and 3-3.)
- b) The Internet Filer may choose to pay the balance due by credit card. The Internet Filer may call a designated telephone number provided on the Internet site to make such payment after completion of the Internet filing process. The Internet Filer is responsible for payment of any fee charged in order to make payment in this manner. Pursuant to 35 ILCS 5/605, the Department of Revenue will not pay any discount fee charged by the credit card issuer.

(Source: Amended at 24 Ill. Reg. 1648 5, effective JAN 14 2000)

Section 106.310 Direct Deposit General Information

- a) Qualifying taxpayers may authorize their tax overpayments to be directly deposited into their savings or checking accounts with financial institutions, rather than receive paper refund checks. The authorization must be made when filing the Internet IL-1040 return by providing the appropriate information.
- b) The Department will ordinarily process an authorization for direct deposit, but reserves the right to initiate a paper refund check. The following conditions may cause the Department to not process a direct

DEPARTMENT OF REVENUE

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deposit:

- 1) Taxpayer owes back taxes, either individual or business (refund offset);
- 2) Taxpayer has certain State or federal delinquent debt, such as child support, student loans, etc. (refund offset);
- 3) Estimated tax payments reported on the return do not match the estimated tax payments recorded on the Department's master file;
- 4) Taxpayer is claiming an unallowable or improperly supported deduction or credit; and
- 5) An electronic return is accepted with a valid Social Security number that belongs to another taxpayer.
- c) The Department is not responsible for the misapplication of a direct deposit that is caused by error, negligence, or malfeasance on the part of the taxpayer, financial institution, or any of their agents.

(Source: Added at 24 Ill. Reg. 1648 5, effective JAN 14 2000)

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENT(S)

1) Heading of the Part: Cancellation, Revocation or Suspension of Licenses or Permits

2) Code Citation: 92 Ill. Adm. Code 1040

<u>Section Number(s)</u>	<u>Adopted Action</u>
1040.29	Amendment
1040.33	Amendment
1040.50	Amendment
1040.52	Amendment
1040.101	Amendment

4) Statutory Authority: Section 2-104(b) of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code [625 ILCS 5/2-106(b)] and Chapter 6 of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/Ch.6].

5) Effective Date of Amendment: January 11, 2000

6) Does this rulemaking contain an automatic repeal date? No

7) Does this amendment contain incorporations by reference? No

8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Notice of Proposal Published in Illinois Register: 23 Ill. Reg. 11478 (September 17, 1999).

10) Has JCAR issued a Statement of Objection to this amendment? No

11) Differences between proposal and final version: None

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes

13) Will this rulemaking replace any emergency amendment currently in effect?
No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Amendment: This rulemaking is being adopted to incorporate recently enacted legislation.

16) Information and questions regarding this adopted amendment shall be directed to:

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENT(S)

Robert W. Mueller
Assistant General Counsel
Driver Services Department
2701 S. Dirksen Parkway
Springfield, IL 62723
217-782-5356

The full text of the adopted amendment begins on the next page:

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENT(S)

TITLE 92: TRANSPORTATION
CHAPTER II: SECRETARY OF STATE

PART 1040

CANCELLATION, REVOCATION OR SUSPENSION OF LICENSES OR PERMITS

- Section
1040.10 Court to Forward Licenses and Reports of Convictions
1040.20 Illinois Offense Table
1040.25 Suspension or Revocation for Driving Without a Valid Driver's License
1040.29 2 or More Traffic Offenses Committed within 24 Months by a Person Under the Age of 21 Years
1040.30 3 or More Traffic Offenses Committed Within 12 Months
1040.31 Operating A Motor Vehicle During a Period of Suspension or Revocation
1040.32 Suspension or Revocation of Driver's Licenses, Permits or Identification Cards Used Fraudulently
1040.33 Suspension or Revocation of Driver's Licenses/Permits for Fictitious or Unlawfully Altered Person-with-Disabilities License Plate or Parking Decal or Device or Fraudulent Person-with-Disabilities License Plate or Parking Decal or Device
1040.35 Commission of an Offense Requiring Mandatory Revocation or Discretionary Suspension or Revocation Upon Conviction
1040.36 Suspension for Violation of Restrictions on Driver's License
1040.37 Suspension for Violation of Restrictions on Instruction Permit
1040.38 Commission of a Traffic Offense in Another State
1040.40 Repeated Convictions or Collisions
1040.41 Suspension of Licenses for Curfew Violations
1040.42 Fleeing and Eluding
1040.43 Illegal Transportation
1040.46 Fatal Accident and Personal Injury Suspensions or Occupational Vehicle Emission Suspensions
1040.48 Suspension of License of Commercial Vehicle Driver
1040.52 Driver Remedial Education Course
1040.55 Suspension for Driver's License Classification Violations
1040.60 Release of Information Regarding a Disposition of Court Supervision
1040.65 Offenses Occurring on Military Bases
1040.66 Invalidation of a Restricted Driving Permit
1040.70 Problem Driver Pointer System
1040.80 Cancellation of Driver's License Upon Issuance of a Handicapped Identification Card
1040.100 Rescissions
1040.101 Reinstatement Fees
1040.102 Bankruptcy for Suspensions, Cancellations, Failure to Pay and Returned Checks Actions

AUTHORITY: Implementing Articles II and VII of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/Ch. 6, Arts. II and VII] and authorized by Section 2-104(b) of the Illinois Vehicle Title and Registration

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Law of the Illinois Vehicle Code [625 ILCS 5/2-104(b)].

SOURCE: Filed September 22, 1972; amended at 3 Ill. Reg. 26, p. 282, effective June 30, 1979; amended at 5 Ill. Reg. 3533, effective April 1, 1981; amended at 6 Ill. Reg. 4239, effective April 2, 1982; codified at 6 Ill. Reg. 12674; amended at 8 Ill. Reg. 2200, effective February 1, 1984; amended at 8 Ill. Reg. 3783, effective March 13, 1984; amended at 8 Ill. Reg. 18925, effective September 25, 1984; amended at 8 Ill. Reg. 23385, effective November 21, 1984; amended at 10 Ill. Reg. 15265, effective September 4, 1986; amended at 11 Ill. Reg. 16927, effective October 1, 1987; amended at 11 Ill. Reg. 20659, effective December 8, 1987; amended at 12 Ill. Reg. 2148, effective January 11, 1988; amended at 12 Ill. Reg. 14351, effective September 1, 1988; amended at 12 Ill. Reg. 15623, effective September 15, 1988; amended at 12 Ill. Reg. 16153, effective September 15, 1988; amended at 12 Ill. Reg. 16906, effective October 1, 1988; amended at 12 Ill. Reg. 17120, effective October 1, 1988; amended at 13 Ill. Reg. 1593, effective January 23, 1989; amended at 13 Ill. Reg. 5162, effective April 1, 1989; amended at 13 Ill. Reg. 7802, effective May 15, 1989; amended at 13 Ill. Reg. 8659, effective June 2, 1989; amended at 13 Ill. Reg. 17087, effective October 16, 1989; amended at 13 Ill. Reg. 20127, effective December 8, 1989; amended at 14 Ill. Reg. 2944, effective February 7, 1990; amended at 14 Ill. Reg. 5178, effective April 1, 1990; amended at 14 Ill. Reg. 5560, effective April 13, 1990; amended at 14 Ill. Reg. 18088, effective October 22, 1990; amended at 15 Ill. Reg. 14258, effective September 24, 1991; amended at 17 Ill. Reg. 8512, effective May 27, 1993; amended at 17 Ill. Reg. 9028, effective June 2, 1993; amended at 17 Ill. Reg. 12782, effective July 21, 1993; amended at 18 Ill. Reg. 7447, effective May 3, 1994; amended at 18 Ill. Reg. 10853, effective June 27, 1994; amended at 18 Ill. Reg. 11644, effective July 7, 1994; amended at 18 Ill. Reg. 16443, effective October 24, 1994; amended at 20 Ill. Reg. 2558, effective January 26, 1996; amended at 21 Ill. Reg. 8398, effective June 30, 1997; amended at 21 Ill. Reg. 10985, effective July 29, 1997; amended at 21 Ill. Reg. 12249, effective August 26, 1997; amended at 21 Ill. Reg. 12609, effective August 29, 1997; amended at 22 Ill. Reg. 1438, effective January 1, 1998; amended at 22 Ill. Reg. 5083, effective February 26, 1998; amended at 22 Ill. Reg. 13834, effective July 10, 1998; amended at 24 Ill. Reg. 1655, effective JAN 1 2000.

Section 1040.29 2 or More Traffic Offenses Committed Within 24 Months by a Person Under the Age of 21 Years

a) For purposes of this Section, the following definitions shall apply:

"Auto Emissions Suspension" - suspension for failing to have a vehicle tested or failing a vehicle inspection as required pursuant to Section 13A-101 of the Vehicle Emissions Inspection Law of the Illinois Vehicle Code [625 ILCS 5/13A-101].

"Conviction" - adjudication of guilty as defined in Section 6-100 of the Illinois Vehicle Code [625 ILCS 5/6-100].

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b) A person who has been convicted of 2 or more points assigned traffic offenses as listed in Section 1040.20 of this Part ("Type Action 87, 97 or 99), excluding any conviction previously used as a basis for suspension/revocation action, which were committed on or after January 1, 1998, while the person was under the age of 21, within a 24 month period, shall be identified by the Department for review for possible driver's license and driving privilege suspension or revocation pursuant to Section 6-206(a)(36) (prior to 7/30/1998 authority was 6-206(a)(34)) {34} of the Illinois Vehicle Code [625 ILCS 5/6-206(a)(36){34}] provided no more than 6 months have elapsed between the effective date of the suspension or revocation and the last conviction date.

1) If a person's driving record indicates no prior suspensions, excluding miscellaneous suspensions or revocations within a 7 year period from the effective date of the suspension or revocation, the following point table shall be used in computing whether an order of suspension or revocation is to be entered and recorded to the driving record:

POINT TABLE

Number of Points	Action
0 through 9	No Action
10 through 34	1 month Suspension
35 through 49	3 month Suspension
50 through 64	6 month Suspension
65 through 79	12 month Suspension
Over 79	Revocation

2) If the person has had 1 prior suspension or 1 prior revocation within a 7 year period from the effective date of the suspension or revocation, excluding those defined as Miscellaneous Suspensions, the following point table shall be used in computing whether an order of suspension or revocation is to be entered and recorded to the driving record:

POINT TABLE

Number of Points	Action
0 through 9	No Action
10 through 34	2 month Suspension
35 through 49	6 month Suspension
50 through 79	12 month Suspension
Over 79	Revocation

3) If the person has had 2 or more prior suspensions or revocations

"Curfew Violation Suspension" - suspension of a minor for operating a vehicle on a highway during a prescribed hour without an adult or as otherwise provided in accordance with Section 1 of the Child Curfew Act [720 ILCS 555/1], in accordance with Section 6-206(a)(13) of the Illinois Vehicle Code [625 ILCS 5/6-206(a)(13)].

"Department" - Department of Driver Services within the Office of the Secretary of State.

"Failure to Appear Suspension" - suspension for failing to pay a fine or appear in court following the issuance of a traffic ticket as provided in Section 6-306.3 of the Illinois Vehicle Code [625 ILCS 5/6-306.3].

"Family Financial Responsibility Suspension" - suspension in accordance with Sections 7-702 and 7-704 of the Illinois Safety and Family Financial Responsibility Law of the Illinois Vehicle Code [625 ILCS 5/7-702 and 7-704].

"Financial Responsibility Suspension" - suspension in accordance with Sections 7-304 and 7-305 of the Illinois Safety and Family Financial Responsibility Law of the Illinois Vehicle Code [625 ILCS 5/7-304 and 7-305].

"Miscellaneous Suspensions" - suspensions for safety responsibility, family financial responsibility, financial responsibility, warrant parking/traffic, auto emissions, failure to appear, curfew or unsatisfied judgment.

"Prior Suspension or Revocation" - suspension or revocation or extension of a suspension or revocation that appears on the driving record.

"Safety Responsibility Suspension" - suspension in accordance with Section 7-205 or 7-208 of the Illinois Safety and Family Financial Responsibility Law of the Illinois Vehicle Code [625 ILCS 5/7-205 or 7-208].

"Unsatisfied Judgment Suspension" - suspension in accordance with Sections 7-303 and 7-313 of the Illinois Safety and Family Financial Responsibility Law of the Illinois Vehicle Code [625 ILCS 5/7-303 and 7-313].

"Warrant Parking/Traffic Suspension" - suspension for arrest warrants issued for failure to pay fines for traffic or parking violations.

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within a 7 year period from the effective date of the suspension or revocation, excluding those defined as Miscellaneous Suspensions, the following point table shall be used in computing whether an order of suspension or revocation is to be entered and recorded to the driving record;

POINT TABLE

<u>Number of Points</u>	<u>Action</u>
0 through 9	No Action
10 through 79	12 month Suspension
Over 79	Revocation

- 4) If the person has in effect a suspension for safety responsibility, financial responsibility, family financial responsibility or an unsatisfied judgment and at least 1 of the 2 or more convictions referenced in subsection (b) above were committed after the effective date of the suspension for safety responsibility, financial responsibility, family financial responsibility or an unsatisfied judgment, the following point table shall be used in computing whether an order of suspension or revocation is to be entered to the driving record:

POINT TABLE

<u>Number of Points</u>	<u>Action</u>
0 through 9	No Action
10 through 79	12 month Suspension
Over 79	Revocation

- 5) Notice of suspension or revocation will be given pursuant to Sections 6-209 and 2-114 of the Illinois Vehicle Code [625 ILCS 5/6-209 and 2-114].

(Source: Amended at 24 Ill. Reg. 1655 effective JAN 11 2011)

Section 1040.33 Suspension or Revocation of Driver's Licenses/Permits for Fictitious or Unlawfully Altered Person-with-Disabilities License Plate or Parking Decal or Device or Fraudulent Person-with-Disabilities License Plate or Parking Decal or Device

- a) For purposes of this Section, the following definitions shall apply:
- "Authorized holder" - an individual issued a person-with-disabilities license plate under Section 3-616 of the Illinois Vehicle Code or an

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individual issued a person-with-disabilities parking decal or device under Section 11-1301.1 of the Illinois Vehicle Code [625 ILCS 5/3-616 and 11-1301.1]

"Department" - Driver Services Department within the Office of the Secretary of State

"False information" - any incorrect or inaccurate information concerning the name, date of birth, social security number, driver's license number, physician certification or any other information required on the application for a person-with-disabilities license plate or parking permit or device that falsifies the content of the application

"Fictitious person-with-disabilities license plate or parking decal or device" - any person-with-disabilities license plate or parking decal or device that has been issued by the Secretary of State or an authorized unit of local government that was issued based upon false information contained on the required application

"Fraudulent person-with-disabilities license plate or parking decal or device" - any person-with-disabilities license plate or parking decal or device that purports to be an authorized person-with-disabilities license plate or parking decal or device and that has not been issued by the Secretary of State or an authorized unit of local government

"Person-with-disabilities license plate or parking decal or device-making implement" - any implement specially designed or primarily used in the manufacture, assembly or authentication of a person-with-disabilities license plate or parking decal or device issued by the Secretary of State or a unit of local government

"Unlawfully altered person-with-disabilities license plate or parking permit or device" - any person-with-disabilities license plate or parking permit or device issued by the Secretary of State or an authorized unit of local government that has been physically altered or changed in such manner that false information appears on the license plate or parking decal or device

- b) The Secretary of State has discretionary authority to suspend or revoke the driving privileges of any person upon receipt of evidence that such person has committed one or more of the following offenses listed in Section 6-206 of the Illinois Vehicle Code [625 ILCS 5/6-206]:

- 1) If such person has knowingly possessed any fictitious or unlawfully altered person-with-disabilities license plate or parking decal or device in violation of Section 11-1301.5(b)(1) of the Illinois Vehicle Code [625 ILCS 5/11-1301.5(b)(1)], the

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Department shall take the following action pursuant to Section 6-206(a)(34) (prior to 7/30/98 authority was Section 6-206(a)(35)) †35‡ of the Illinois Vehicle Code [625 ILCS 5/6-206(a)(34)†35‡]:

ACTION TABLE

1st Offense	1 month Suspension
2nd Offense	6 months Suspension
3rd or Subsequent Offense	Revocation; or

- 2) If such person has knowingly issued or assisted in the issuance of, by the Secretary of State or unit of local government, any fictitious person-with-disabilities license plate or parking decal or device in violation of Section 11-1301.5(b)(2) of the Illinois Vehicle Code [625 ILCS 5/11-1301.5(b)(2)], the Department shall take the following action pursuant to Section 6-206(a)(34) (prior to 7/30/98 the authority was Section 6-206(a)(35)) †35‡ of the Illinois Vehicle Code:

ACTION TABLE

1st Offense	1 month Suspension
2nd Offense	6 months Suspension
3rd or Subsequent Offense	Revocation; or

- 3) If such person has knowingly altered any person-with-disabilities license plate or parking decal or device in violation of Section 11-1301.5(b)(3) of the Illinois Vehicle Code [625 ILCS 5/11-1301.5(b)(3)], the Department shall take the following action pursuant to Section 6-206(a)(34) (prior to 7/30/98 the authority was Section 6-206(a)(35)) †35‡ of the Illinois Vehicle Code:

ACTION TABLE

1st Offense	1 month Suspension
2nd Offense	6 months Suspension
3rd or Subsequent Offense	Revocation; or

- 4) If such person manufactures, possesses, transfers, or provides any documentation used in the application process whether real or

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fictitious, for the purpose of obtaining a fictitious person-with-disabilities license plate or parking decal or device in violation of Section 11-1301.5(b)(4) of the Illinois Vehicle Code [625 ILCS 5/11-1301.5(b)(4)], the Department shall take the following action pursuant to Section 6-206(a)(34) (prior to 7/30/98 the authority was Section 6-206(a)(35)) †35‡ of the Illinois Vehicle Code:

ACTION TABLE

1st Offense	1 month Suspension
2nd Offense	6 months Suspension
3rd or Subsequent Offense	Revocation; or

- 5) If such person knowingly provides any false information to the Secretary of State or a unit of local government in order to obtain a person-with-disabilities license plate or parking decal or device in violation of Section 11-1301.5(b)(5) of the Illinois Vehicle Code [625 ILCS 5/11-1301.5(b)(5)], the Department shall take the following action pursuant to Section 6-206(a)(34) (prior to 7/30/98 the authority was Section 6-206(a)(35)) †35‡ of the Illinois Vehicle Code:

ACTION TABLE

1st Offense	1 month Suspension
2nd Offense	6 months Suspension
3rd or Subsequent Offense	Revocation; or

- 6) If such person knowingly transfers a person-with-disabilities license plate or parking decal or device for the purpose of exercising the privileges granted to an authorized holder of a person-with-disabilities license plate or parking decal or device under the Illinois Vehicle Code in the absence of the authorized holder in violation of Section 11-1301.5(b)(6) of the Illinois Vehicle Code [625 ILCS 5/11-1301.5(b)(6)], the Department shall take the following action pursuant to Section 6-206(a)(34) (prior to 7/30/98 the authority was Section 6-206(a)(35)) †35‡ of the Illinois Vehicle Code:

ACTION TABLE

1st Offense	1 month Suspension
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- 2nd Offense
3rd or Subsequent Offense
- 6 months Suspension
Revocation; or
- 7) If such person has knowingly possessed any fraudulent person-with-disabilities license plate or parking decal or device in violation of Section 11-1301.6(b)(1) of the Illinois Vehicle Code [625 ILCS 5/11-1301.6(b)(1)], the Department shall take the following action pursuant to Section 6-206(a)(35) (prior to 7/30/98 the authority was Section 6-206(a)(36)) (36) of the Illinois Vehicle Code [625 ILCS 5/6-206(a)(36)]:

ACTION TABLE

- 1st Offense
2nd Offense
3rd or Subsequent Offense
- 1 month Suspension
6 months Suspension
Revocation; or

- 8) If such person has knowingly possessed without authority any person-with-disabilities license plate or parking decal or device-making implement in violation of Section 11-1306.6(b)(2) of the Illinois Vehicle Code [625 ILCS 5/11-1301.6(b)(2)], the Department shall take the following action pursuant to Section 6-206(a)(35) (prior to 7/30/98 the authority was Section 6-206(a)(36)) (36) of the Illinois Vehicle Code:

ACTION TABLE

- 1st Offense
2nd or Subsequent Offense
- 12 months Suspension
Revocation; or

- 9) If such person knowingly duplicates, manufactures, sells or transfers any fraudulent or stolen person-with-disabilities license plate or parking decal or device in violation of Section 11-1301.6(b)(3) of the Illinois Vehicle Code [625 ILCS 5/11-1301.6(b)(3)], the Department shall take the following action pursuant to Section 6-206(a)(35) (prior to 7/30/98 the authority was Section 6-206(a)(36)) (36) of the Illinois Vehicle Code:

ACTION TABLE

- 1st Offense
2nd or Subsequent Offense
- 12 months Suspension
Revocation; or

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- 10) If such person has knowingly assisted in the duplication, manufacture, sales or transfer of any fraudulent or stolen person-with-disabilities license plate or parking decal or device in violation of Section 11-1301.6(b)(4) of the Illinois Vehicle Code [625 ILCS 5/11-1301.6(b)(4)], the Department shall take the following action pursuant to Section 6-206(a)(35) (prior to 7/30/98 the authority was Section 6-206(a)(36)) (36) of the Illinois Vehicle Code:

ACTION TABLE

- 1st Offense
2nd or Subsequent Offense
- 12 months Suspension
Revocation; or

- 11) If such person has advertised or distributes a fraudulent person-with-disabilities license plate or parking decal or device in violation of Section 11-1301.6(b)(5) of the Illinois Vehicle Code [625 ILCS 5/11-1301.6(b)(5)], the Department shall take the following action pursuant to Section 6-206(a)(35) (prior to 7/30/98 the authority was Section 6-206(a)(36)) (36) of the Illinois Vehicle Code:

ACTION TABLE

- 1st Offense
2nd or Subsequent Offense
- 12 months Suspension
Revocation.

- c) The sources of acceptable proof of the offenses described in subsection (b) above are court documents, Department of Vehicle Services applications, Driver Services facility applications, government entity documents and law enforcement correspondence/reports.

(Source: Amended at 24 Ill. Reg. 1655, effective JAN 1 7/00)

Section 1040.50 Suspension of License of Commercial Vehicle Driver

- a) For purposes of this Section, the following definitions shall apply:

"Cancellation" - the annulment or termination by formal action of the Secretary of a person's driver's license because the licensee is no longer entitled to such license in accordance with Section 1-110 of the Illinois Vehicle Code and Sections 6-201 and 6-206(c)(3) of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/1-110, 6-201 and 6-206(c)(3)].

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"Commercial Vehicle" - any vehicle operated for the transportation of person or property in the furtherance of any commercial or industrial enterprise, for-hire or not-for-hire, but not including a commuter van, a vehicle used in a ridesharing arrangement when being used for that purpose, or a recreational vehicle not being used commercially.

"Disqualification" - a withdrawal of the privilege to drive a commercial motor vehicle.

"Driver Improvement Course" - an organized remedial activity approved by the Driver Services Department for improving the driving habits of certain suspended drivers. This course shall consist of individual counseling and/or group sessions of instruction and shall not exceed 2 sessions or a total of 9 hours of instruction.

"Farm Vehicle" - every motor vehicle designed and used primarily as a farm implement for drawing wagons, plows, mowing machines and other implements of husbandry, and every implement of husbandry which is self-propelled.

"Hearing Officer" - any person designated by the Secretary of State to preside at any hearing conducted pursuant to the rules established by the Office of the Secretary of State.

"Implement of Husbandry" - every vehicle designed and adapted exclusively for agricultural, horticultural, or livestock raising operations, including farm wagons, wagon trailers or like vehicles used in connection therewith, or for lifting or carrying an implement of husbandry, provided that no farm wagon, wagon trailer or like vehicle having a gross weight of more than 36,000 pounds shall be included hereunder.

"Restricted Driving Permit for Occupational Driving" - a restricted driving permit is that document which grants and specifies limited privileges to drivers of commercial vehicles as an occupation who have had their full driving privileges suspended. The restricted driving permit is valid only when in the immediate possession of the driver to whom it is issued.

"Revocation" - the termination by formal action of the Secretary of a person's license or privilege to operate a motor vehicle on the public highways, which termination shall not be subject to renewal or restoration except that an application for a new license may be presented and acted upon by the Secretary after the expiration of at least 1 one year after the date of revocation.

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"Secretary of State" - the Secretary of State of Illinois.

"Suspension" - the temporary withdrawal by formal action of the Secretary of a person's license or privilege to operate a motor vehicle on public highways, for a period specifically designated by the Secretary.

b) If the Secretary of State suspends the driver's license of a person under Section 6-206(a)(2) of the Illinois Vehicle Code [625 ILCS 5/6-206(a)(2)] and the person drives a commercial vehicle in connection with his/her regular occupation, he/she may qualify for a Restricted Driving Permit for Occupational Driving based on the following requirements:

- 1) 18 years of age;
 - 2) the individual must have been issued or have qualified for a valid Illinois driver's license prior to issuance of the Restricted Driving Permit for Occupational Driving;
 - 3) no outstanding reinstatement fees or failure to pay requirements are effective on the Illinois driving record;
 - 4) no effective or pending suspensions, revocations, cancellations or disqualifications on the individual's Illinois driving record;
 - 5) the suspension period does not exceed twelve-12 months;
 - 6) the suspension was the result of 3, 4 or 5 offenses which were committed within a 12 month period. If 5 offenses were committed, at least 2 two of which occurred while operating a commercial vehicle in connection with the driver's regular occupation, the driver would not qualify for a Restricted Driving Permit for Occupational Driving;
 - 7) the individual's occupation must be full time, and one which involves driving a commercial vehicle on a regular basis. Part-time employment or a person renting a commercial vehicle under a short term lease shall not qualify;
 - 8) the individual must successfully complete a Driver Improvement Course prior to the issuance of the Restricted Driving Permit for Occupational Driving.
 - 9) the individual shall complete and sign an affidavit prescribed by the Secretary of State setting forth his/her eligibility as a driver of a commercial vehicle and such other information as required by the Secretary of State. The affidavit shall also be notarized by a Notary Public or signed by a Secretary of State Hearing Officer;
 - 10) the individual must submit a notarized letter from the employer on the employer's letterhead verifying employment;
 - 11) submit appropriate fee;
 - 12) surrender current valid Illinois driver's license.
- c) Operation of the following vehicles shall not be deemed to be the operation of a commercial vehicle:
- 1) Farm vehicle;

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- b) The fee collected by the Department for reinstatement of a driver's license following a suspension or revocation shall be as prescribed by Section 6-118 of the Illinois Driver Licensing Law of the Illinois Vehicle Code ~~as now or hereafter amended (Ill. Rev. Stat. 1991-CH-95-1727, par. 6-118)~~ [625 ILCS 5/6-118].
- c) The fee collected by the Department for concurrent actions requiring reinstatement fees shall be for the action requiring the highest rate that would be charged for a single action if each action were considered separately.
- d) The fee collected by the Department for reinstatement of a driver's license following a suspension or revocation for a second or subsequent violation of Section 11-501.1, Section 11-501 (including local ordinances), or Section 9-3 of the Criminal Code, or any combination thereof shall be as prescribed by Section 6-118 of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/6-118].
- ed) If a suspension or revocation is rescinded, the Department shall not collect a reinstatement fee for that specific action.

(Source: Amended at 24 Ill. Reg. 3646 effective 1/1/00)

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- 1) Heading of the Part: Illinois Safety Responsibility Law
- 2) Code Citation: 92 Ill. Adm. Code 1070
- 3) Section Numbers
1070.10 Adopted Action
1070.30 Amendment
1070.40 Amendment
- 4) Statutory Authority: Section 2-104(b) of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code [625 ILCS 5/2-106(b)] and Article VII of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/Art. VII].
- 5) Effective Date of Amendment: January 14, 2000
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: 23 Ill. Reg. 11495 (September 17, 1999).
- 10) Has JCAR issued a Statement of Objection to this amendment? No
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency amendment currently in effect?
No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendment: This rulemaking is being adopted to incorporate recently enacted legislation.
- 16) Information and questions regarding this adopted amendment shall be directed to:

Robert W. Mueller
Driver Services Department
2701 S. Dirksen Parkway
Springfield, IL 62723 217-782-5356

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The full text of the adopted amendment begins on the next page:

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TITLE 92: TRANSPORTATION
CHAPTER II: SECRETARY OF STATE

PART 1070

ILLINOIS SAFETY RESPONSIBILITY LAW

Section

1070.10 Forms of Security

1070.20 Future Proof

1070.30 Installment Agreements

1070.40 Disposition of Security

1070.50 Failure to Satisfy Judgment

1070.60 Release From Liability

1070.70 Incomplete Unsatisfied Judgment

1070.80 Driver's License Restriction for Exclusive Operation of Commercial Vehicles

1070.90 Dormant and Dead Judgments

1070.100 Bankruptcy

1070.110 Illinois Safety and Family Financial Responsibility Law

AUTHORITY: Implementing and authorized by the Illinois Safety and Family Financial Responsibility Law [625 ILCS 5/Ch. 7].

SOURCE: Filed and effective December 17, 1971; codified at 6 Ill. Reg. 12674; repealed at 7 Ill. Reg. 13678, effective October 14, 1983; New Part adopted at 11 Ill. Reg. 20215, effective November 30, 1987; amended at 14 Ill. Reg. 6859, effective April 24, 1990; amended at 14 Ill. Reg. 10107, effective June 12, 1990; amended at 15 Ill. Reg. 15083, effective October 8, 1991; amended at 16 Ill. Reg. 2172, effective January 24, 1992; amended at 17 Ill. Reg. 8517, effective May 27, 1993; amended at 18 Ill. Reg. 10909, effective June 28, 1994; amended at 20 Ill. Reg. 398, effective December 20, 1995; amended at 20 Ill. Reg. 7956, effective May 30, 1996; amended at 24 Ill. Reg. 1672, effective JAN 14 2000.

Section 1070.10 Forms of Security

a) For purposes of this Section, the following definitions shall apply:

"Bank Draft" - a negotiable instrument that which contains an unconditional promise to pay a certain sum of money that which is payable on demand or at a definite time to the bearer or to order as provided in Section 3-104 of the Uniform Commercial Code [810 ILCS 5/3-104] ~~{iii-Rev-Stat-1985, ch-26, par-3-104}~~.

"Cashier Check" - a check that which is the primary obligation of the issuing bank as indicated in Section 4-211 of the Uniform Commercial Code [810 ILCS 5/4-211] ~~{iii-Rev-Stat-1985, ch-26, par-4-211}~~. It is drawn by the bank itself and issued by an

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authorized officer of the bank.

"Certified Check" - a check of a depositor drawn on a bank of which the holder of the check procures certification and the drawer and all prior endorser are discharged as provided in Section 3-411 of the Uniform Commercial Code [810 ILCS 5/3-411] ~~(Ill.-Rev.-Stat.-1985, ch.-26, par.-3-411)~~. The words "accepted or certified" are on the check along with the date and the signature of a bank official.

"Department" - Department of Driver Services of the Office of the Secretary of State.

- b) The Department shall accept as security to establish proof of financial responsibility following an accident for purposes of the Illinois Safety and Family Financial Responsibility Law [625 ILCS 5/Ch. 7] ~~(Ill.-Rev.-Stat.-1985, ch.-95-i/27-par.-7-101-et-seq)~~ the following: certified checks, money orders, bank drafts, cashier checks, surety bonds, and cash. The amount of security required is determined by the Illinois Department of Transportation. The person depositing security shall stipulate on a designated form supplied by the Secretary of State on whose behalf the deposit is made.
- c) A surety bond shall not be accepted by the Department as a deposit of security as required by Section 7-201 of the Illinois Safety and Family Financial Responsibility Law [625 ILCS 5/7-201] ~~(Ill.-Rev.-Stat.-1985, ch.-95-i/27-par.-7-201)~~ unless the following conditions are met:

- 1) The form is completed.
 - 2) The surety company is authorized to do business in Illinois or a power of attorney is executed in accordance with Section 7-203 of the Illinois Safety and Family Financial Responsibility Law [625 ILCS 5/7-203] ~~(Ill.-Rev.-Stat.-1985, ch.-95-i/27-par.-7-203)~~.
 - 3) The bond specifies who it is to cover.
 - 4) The signatures are notarized.
 - 5) The bond is accompanied by a power of attorney.
- d) If a surety bond is accepted by the Department and the surety company later does not pay a judgment upon demand of the Department, the Department shall not accept any further bonds from the surety company until payment is made.
- e) If a surety company has failed and ceased operations by order of a court, the Department shall notify the interested party(ies) that his/her driver's license and/or registration shall be suspended in ~~thirty--4~~ 30 days if he/she does not deposit the security required by Section 7-201 of the Illinois Safety Responsibility Law.
- f) If a person's security requirement has not been terminated pursuant to Section 7-210 of the Illinois Safety and Family Financial Responsibility Law [625 ILCS 5/7-210] ~~(Ill.-Rev.-1985, ch.-95-i/27 par.-7-210)~~, he/she shall be eligible to file an affidavit for

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termination of surety bond ~~two--4~~ 2 years after the date of the suspension ~~accident~~ ~~that 2 two~~ years have elapsed since the ~~said suspension accident~~ occurred, no suits for claims for damages and/or personal injuries have ~~has~~ been instituted and are ~~is~~ now pending, nor does any judgment rendered remain unsatisfied.

- g) All security deposits shall be deposited at the following address: Department of Driver Services, Safety and Financial Responsibility Section, 2701 South Dirksen Parkway, Springfield, IL ~~Illinois~~ 62723. No security shall be considered deposited until it is received by the Department at the above mentioned address in one of the above mentioned forms of security specified in subsection (b) of this Section ~~hereof~~.

(Source: Amended ~~at~~ 24 Ill. Reg. 1672 effective JAN 14 2001)

Section 1070.30 Installment Agreements

- a) An installment agreement shall not be accepted by the Department for purposes of Section 7-208(b) of the Illinois Safety and Family Financial Responsibility Law [625 ILCS 5/7-208(b)] ~~(Ill.-Rev.-Stat.-1985, ch.-95-i/27-par.-7-208(b))~~ unless the following conditions are met:
- 1) The information on the agreement is complete. It must include the identity of the parties, date of the accident, location of the accident, how often the payments will be made, the total amount of payments, and to whom the payment will be made.
 - 2) The agreement is notarized or witnessed by one person.
 - 3) The acceptance portion of the agreement is signed by the interested party or his/her authorized representative.
- b) A notice of default on an installment agreement shall not be accepted by the Department for purposes of Section 7-208(c) of the Illinois Safety and Family Financial Responsibility Law [625 ILCS 5/7-208(c)] ~~(Ill.-Rev.-Stat.-1985, ch.-95-i/27-par.-7-208(c))~~ unless the following conditions are met:
- 1) The installment agreement is on file with the Department.
 - 2) The notice of default is signed by the person who signed the acceptance portion of the installment agreement.
- c) A person who defaults on an installment agreement shall have his/her driver's license and registration or non-residents operating privileges suspended until the conditions in Section 7-208 of the Illinois Safety and Family Financial Responsibility Law [625 ILCS 5/7-208] ~~(Ill.-Rev.-Stat.-1985, ch.-95-i/27-par.-7-208)~~ have been met.
- ~~An agreement-in-default shall not be reinstated.~~
- d) If a person's security requirement has not been terminated pursuant to Section 7-210 of the Illinois Safety and Family Financial Responsibility Law [625 ILCS 5/7-210] ~~(Ill.-Rev.-Stat.-1985, ch.-95-i/27-par.-7-210)~~, he/she shall be eligible to file an affidavit for

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"Security" - deposit made to satisfy any potential judgment or judgments for money damages following an accident as provided in Section 7-201 of the Illinois Safety and Family Financial Responsibility Law.

termination of suspension two- (2) years from the date of the original suspension or two- (2) years from the date of the default, whichever is later. The affidavit for termination of suspension shall be a notarized affidavit from the suspended person stating to the best of his/her knowledge, he/she has not been or is not being sued.

- e) A file on an installment agreement following an accident shall be closed by the Department, if the following conditions are met:
- 1) The agreed time and payment schedule have elapsed.
 - 2) The Department has not been notified of a default.
 - 3) The Department has sent a letter to all interested parties inquiring about the disposition of the agreement allowing the interested parties two- (2) weeks to reply.
 - 4) The installment agreement was accepted by the Department at least four- (4) years ago.
- b) If a person has security deposited with the Department and the Department subsequently receives proper notice that the person has filed a petition for bankruptcy, then the Department shall forward the posted security directly to the bankruptcy court for disbursement during the normal course of the bankruptcy proceedings, and so provide notification to the debtor.
- c) If a person has security deposited with the Department and the claim for which the security was deposited has been discharged in bankruptcy without proper notice having been provided the Department, then upon application by the depositor, the security shall be refunded to the depositor if the Department receives documentation representing that the claim for which the security was deposited has been discharged, or the bankruptcy court's order of discharge listing the discharged parties and claim.
- d) A person posting a security who wishes to have the security released to a party or parties other than himself/herself shall provide to the Department a notarized letter directing payment to the claimant(s). The person who is to receive the deposit shall send to the Department a notarized release for the amount of the deposit before payment will be made.
- e) A security deposit shall be released by the Department after the Department receives a court order directing payment as provided in Section 7-214 of the Illinois Safety and Family Financial Responsibility Law [625 ILCS 5/7-214].
- f) If a security deposit is refunded because a person enters into an installment agreement and that person later defaults, the Department shall suspend the driving privileges and/or registration of that person until he/she redeposits the original amount of security or meets the other requirements set forth in Section 7-208(c) of the Illinois Safety and Family Financial Responsibility Law.
- g) A security deposit shall be refunded if the Department receives a notice of rescind of certification from the Illinois Department of Transportation, or an order of exoneration from the Secretary of State's Department of Administrative Hearings.
- h) A security deposit shall also be refunded if the Department receives a certified court order indicating the security deposit should be refunded because the judgment has been satisfied, the case has been dismissed, or the party posting the security is not liable.
- i) A security deposit shall be refunded if no legal action has been taken within two- (2) years after the date of the suspension ~~accident~~ and the Department receives a notarized affidavit from the person depositing the security stating that to the best of his/her knowledge, he/she has not been or is not being sued. To verify this, the

(Source: Amended at 24 Ill. Reg. 1678 - 3, effective JAN 14 2000)

Section 1070.40 Disposition of Security

- a) For purposes of this Section, the following definitions shall apply:

"Claim" - a demand for something rightfully or allegedly due.

"Claimant" - person or persons making claim.

"Default" - failure to make a payment when due.

"Department" - Department of Driver Services within the Office of the Secretary of State.

"Discharged in Bankruptcy" - a legal order for release from a debt or debts.

"Installment Agreement" - agreement to pay debt in payments pursuant to Section 7-208 of the Illinois Safety and Family Financial Responsibility Law.

"Judgment Creditor" - person who is owed money due to a court judgment in his/her favor.

"Proper Notice" - notice provided by, but not limited to any of the following: Petition in Bankruptcy; Notice of Meeting of Creditors; Schedule A-3 of Schedule of Creditors; Trustee Report of No Assets; Discharge of Bankruptcy; Notice of Automatic Stay; Chapter 13 Wage Earner Plan.

"Release" - to give up or surrender a claim.

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Department shall send the interested party a letter and give him/her ~~two-4~~ 2½ weeks to respond. If he/she responds that he/she has not sued or does not respond, the Department shall close the case and refund the security deposit. If the interested party responds with a copy of the summons and complaint indicating court action has been initiated within ~~two-4~~ 2½ years from the date of the suspension accident, the security shall not be refunded to the depositor.

j) Upon application by a judgment creditor seeking to obtain a security deposit, the Department shall notify the party who deposited the security or his/her authorized representative of the receipt of the unsatisfied judgment and that the security deposited shall be used toward satisfying the judgment, unless thence notified within 14 days by the party who deposited the security that the judgment has otherwise been satisfied. If no adequate response is obtained from the person who has deposited security, then the Department shall release the deposit to the judgment creditor or his/her authorized representative upon receipt of a certified full or partial satisfaction of judgment.

k) If the security deposit so released pursuant to an unsatisfied judgment received by the Department only comprises a partial satisfaction of judgment, the remainder shall be paid by the driver or party posting the deposit or the driver shall be suspended. His/her driving privileges and vehicle registration shall not be restored until proof of satisfaction of judgment is submitted to the Department and future proof of financial responsibility is filed for judgments in the amount of \$500-00 or more.

l) A surety bond shall be terminated if no legal action has been taken within ~~two-4~~ 2½ years after the date of a suspension an-accident, if the Department receives from a person a letter for termination of a surety bond stating that to the best of his/her knowledge he/she has not been or is not being sued. To verify this the Department shall send the interested party a letter and give him/her ~~two-4~~ 2½ weeks to respond. If he/she responds that he/she has not been sued or does not respond, the Department shall terminate the surety bond. If the interested party responds with a copy of the summons and complaint indicating court action has been initiated within ~~two-4~~ 2½ years from the date of the suspension accident, the surety bond shall not be terminated.

m) If a judgment creditor wishes to obtain a payment from a surety bond to satisfy a judgment, he/she shall notify the Safety and Financial Responsibility Section of the Department. The Department shall send a letter to the party who purchased the surety bond and his/her authorized representative informing him/her that the surety bond shall be used toward satisfying the judgment if he/she does not otherwise satisfy the judgment and notify the Department within ~~fourteen-4~~ 14½ days of the procedure used to satisfy the judgment. A copy of the letter shall also be sent to the judgment creditor, his/her authorized representative, and the surety company. The Department shall

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thereafter make a demand on the surety company for the bond and send a copy of the letter to the judgment creditor and his/her authorized representative. If the surety bond only comprises partial satisfaction of judgment, the remainder shall be paid by the driver or the person who posted the surety bond or the driver's license and/or registration shall be suspended. His/her driving privileges and/or vehicle registration shall not be restored until proof of satisfaction of judgment is submitted to the Department and future proof of financial responsibility is filed for judgments in the amount of \$500-00 or more.

(Source: Amended at 24 Ill. Reg. 1678, effective
JAN 14 2000)

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- 1) Heading of the Part: General Rules, Definitions
- 2) Code Citation: 92 Ill. Adm. Code 1000
- 3) Section Number: Emergency Action:
1000.70 Amendment
- 4) Statutory Authority: Chapters 11, 2 and 3 of the Illinois Vehicle Code [625 ILCS 5/Ch. 11, 2 and 3] and Section 2-104(b) of the Illinois Vehicle Code [625 ILCS 5/Ch. 6, 2-104(b)].

5) Effective Date of Emergency Amendment: January 14, 2000

6) If this Emergency Amendment is to expire before the end of the 150-day period, please specify the date on which it is to expire: This Emergency Amendment will not expire before the end of the 150-day period.

7) Date filed in Agency's Principal Office: January 14, 2000

8) A copy of the Emergency Amendment, including any material incorporated by reference, is on file in the Department's principal office and is available for public inspection.

9) Reason for Emergency: Staffing levels have fallen to an unacceptably low level. This low level has had a significant and deteriorative effect on the Department's ability to meet its primary mission. The Department of Secretary of State Police is charged with the inspection of approximately 6000 school bus companies with approximately 25,000 bus drivers. Without the additional investigators, these inspections do not occur in a timely manner, thereby placing the well being of school children in jeopardy.

10) A Complete Description of the Subject and Issues Involved: This proposed amendment makes technical changes to Part 1000 to comport with statutory changes. The amendment also streamlines the process by which Investigator Trainees are hired and promoted to the position of Investigator. The hiring process becomes more equitable by relying solely on a numerical score, rather than a most cumbersome interview process. A probationary period is also included.

11) Are there any proposed amendments to this Part pending? No

12) Statement of Statewide Policy Objectives: This emergency amendment will not require any new expenditures by units of local government.

13) Information and questions regarding this Emergency Amendment shall be directed to:

Robert W. Mueller

SECRETARY OF STATE

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Assistant General Counsel
Department of Driver Services
2701 S. Dirksen Parkway
Springfield IL 62723
217/782-5356

The full text of the Emergency Amendment begins on the next page.

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TITLE 92: TRANSPORTATION
CHAPTER II: SECRETARY OF STATEPART 1000
GENERAL RULES, DEFINITIONS

Section

1000.10	Definitions
1000.20	Appointment of Subordinates
1000.30	Reciprocity, Prorate and Forced Registration Review Board (Repealed)
1000.40	Offices of the Secretary of State
1000.50	Forms
1000.60	Certification of Copies of Records
1000.70	Department of Police
EMERGENCY	
1000.80	Enforcement of the Illinois Vehicle Code (Repealed)
1000.90	Hearings (Repealed)
1000.110	Audits and Collections (Repealed)
1000.120	Audit Costs

AUTHORITY: Implementing Chapters 11, 2 and 3 of the Illinois Vehicle Code [625 ILCS 5/Ch. 11, 2 and 3] and authorized by Section 2-104(b) of the Illinois Vehicle Code [625 ILCS 5/2-104(b)].

SOURCE: Filed and effective December 15, 1970; amended at 6 Ill. Reg. 2239, effective February 1, 1982; emergency amendment at 6 Ill. Reg. 7152, effective May 28, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 11067, effective August 26, 1982; codified at 6 Ill. Reg. 12674; amended at 6 Ill. Reg. 15040, effective December 1, 1982; amended at 7 Ill. Reg. 13677, effective October 14, 1983; amended at 8 Ill. Reg. 5353, effective April 6, 1984; amended at 9 Ill. Reg. 2326, effective February 1, 1985; amended at 13 Ill. Reg. 5185, effective April 1, 1989; amended at 13 Ill. Reg. 11844, effective July 1, 1989; emergency amendment at 24 Ill. Reg. 1681, effective January 14, 2000, for a maximum of 150 days.

Section 1000.70 Department of Police

EMERGENCY

- The investigators authorized pursuant to Section 2-115 of the Illinois Vehicle Code [625 ILCS 5/2-115] shall be appointed by the Secretary and organized into the Department of Police.
- The Department of Police, which is headquartered in Springfield, Illinois, shall have District headquarters throughout Illinois to enable the Department to best distribute its supervisory responsibilities and work load.
- The employees of the Department of Police shall be subject to the Secretary of State Merit Employment Code [15 ILCS 310]. ~~§11-Rev-Stat-1987-ch-124, par-101-et-seq-7 and the Office of the Secretary~~

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of State's Department of Police's Policy Manual and the Department of Police General Orders. Where there is conflict between the policies of the Office and the General Orders of Police, the Office policies shall prevail.

d) Sworn personnel

- Sworn personnel shall mean the peace officers within the Department of Police.
- The grades of sworn personnel, from lowest to highest, shall be Investigator Trainee, Investigator, Investigator Sergeant, Investigator Lieutenant, and Investigator Commander. Position descriptions for these employees shall be established by the Department of Personnel in accordance with Section 10a of the Secretary of State Merit Employment Code and 80 Ill. Adm. Code 420.210. Sworn personnel shall be selected according to the following procedures:
 - Application and Testing Procedures. Any applicant must complete or pass successfully each of the following application procedures before proceeding to the next procedure.
 - The filing of the standard personnel form application.
 - A written entrance examination developed for police officers with general testing areas including, but not limited to, mathematics, logic, reading comprehension, scoring the highest score among the potential applicants. If two or more applicants have a tied score, and have passed the other requirements for the position, selection of the candidate shall be by an interview conducted by the Department of Personnel with a passing score of an A.
 - A physical ability test, consistent with the physical ability standards set forth by the Illinois Police Officer Training and Standards Board ~~Local Governmental Law Enforcement Officers Training Board~~ (20 Ill. Adm. Code 1720.20 Appendix A) prior to the for entrance into to any of the Illinois certified basic police academies.
 - Two oral interviews by different panels of sworn officers of the Department in the grade of at least Investigator Sergeant to determine the applicant's qualifications and suitability for employment in the Department of Police.
 - A background investigation to determine if the applicant has any criminal convictions and to verify that all information contained in the applicant's application is true and accurate. A background investigation for any convictions to verify the applicant's education record and a credit check.
 - A medical and a psychological examination using

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- standard criteria.
- B) A Veterans veterans preference points in accordance with 80 Ill. Adm. Code 420.300(c) will be given to persons who are honorably discharged from any armed force of the United States or any State National Guard.
- C) Each person newly hired into the Department shall--start as an Investigator Trainee shall have with a 9 12 month training period- (80 Ill. Adm. Code 420.320). Upon successful completion of the training period, that person shall be promoted to appointed an Investigator position and shall serve with a 3 months month probationary period (80 Ill. Adm. Code 420.360).
- D) Applicants may submit their applications for consideration whenever a vacancy occurs.
- E) Each person newly hired into the Department as an Investigator shall have a 6 months probationary period as defined in 80 Ill. Adm. Code 420.130. Every--applicant--must serve--at--least--24--months--as--a--sworn--officer--in--the Department--of--Police,---Any person who during the first--24 months--voluntarily--resigns--shall--pay--to--the--Secretary--of State--that--portion--of--the--training--expenses--expended--which shall--remain--after--subtracting--from--24--months--the--number--of months--served--in--the--Department--of--Police---All--successful applicants--shall--sign--an--agreement--to--repay--these--expenses--Refusal--or--failure--to--sign--this--agreement--shall--be--grounds for--termination--

e) Miscellaneous provisions pertaining to the Department of Police

- 1) The Department of Police shall collect a storage fee in the amount of \$5 per day from any person or entity owning a vehicle which is stored on Secretary of State property for any reason. the--sum--of--\$5--per--day. Such fees shall be deposited in the Road Fund.
- 2) The Department of Police, to implement Section 3-308 of the Illinois Vehicle Code 7-7-E, shall operate inspection stations at various locations throughout Illinois as the workload of inspecting rebuilt and salvage vehicles requires.

(Source: Amended by emergency rulemaking at 24 Ill. Reg. 1681, effective January 14, 2000, for a maximum of 150 days)

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- 1) Heading of the Part: Issuance of Licenses
- 2) Code Citation: 92 Ill. Adm. Code 1030
- 3) Section Number Emergency Action Amendment 1030.60
- 4) Statutory Authority: Implementing Article I of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/Ch. 6, Art. I] and authorized by Section 2-104(b) of the Illinois Vehicle Code [625 ILCS 5/2-104(b)].
- 5) Effective Date of Emergency Amendment: January 13, 2000
- 6) If this Emergency Amendment is to expire before the end of the 150-day period, please specify the date on which it is to expire: This Emergency Amendment will not expire before the end of the 150-day period.
- 7) Date filed with the Index Department: January 13, 2000
- 8) A copy of the Emergency Amendment, including any material incorporated by reference is on file in the Department's principal office and is available for public inspection.
- 9) Reason for Emergency: Due to recent events in the Secretary of State's Office in dealing with the Third-Party Program, some deficiencies in the previous rules have been discovered. These shortcomings have created an immediate public safety concern.

- 10) A Complete Description of the Subject and Issues Involved: This proposed rulemaking will require commercial driver's license applicants to hold a valid instruction permit for a period of 2 weeks prior to being skills tested and certified by a third party. This rulemaking will require commercial driver's license applicants to obtain from the Secretary of State an instruction permit for the specific vehicle classification in which they intend to be licensed, and that the applicant produce said instruction permit before the skills test and certification by a third-party entity. It will also require a minimum training period for commercial drivers who receive certification through a third-party entity and will require third-party entities to notify the Secretary of State of a driver's termination of employment, if said driver's employment lasted for less than six months. In addition, this rulemaking will require third-party testing entities to maintain a rating issued by the U.S. Department of Transportation of at least "Satisfactory" or "Conditional". Any third-party entity that has received an "Unsatisfactory" rating from the U.S. Department of Transportation shall be prohibited from conducting third-party testing pending a subsequent U.S. Department of Transportation rating of "Satisfactory" or "Conditional".

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11) Are there any proposed amendments to this Part pending? Yes

Section Number	Proposed Action	Illinois Register Citation
1030.97	Amendment	23 Ill. Reg. 11504 (September 17, 1999)
1030.98	Amendment	23 Ill. Reg. 11504 (September 17, 1999)

12) Statement of Statewide Policy Objectives: This emergency amendment will not require any new expenditures by units of local government.

13) Information and questions regarding this Emergency Amendment shall be directed to:

Robert W. Mueller
Assistant General Counsel
Department of Driver Services
2701 S. Dirksen Parkway
Springfield IL 62723
217/782-5356

The full text of the emergency amendment begins on the next page.

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TITLE 92: TRANSPORTATION
CHAPTER II: SECRETARY OF STATE

PART 1030
ISSUANCE OF LICENSES

Section	What Persons Shall Not be Licensed or Granted Permits
1030.10	Procedure for Obtaining a Driver's License
1030.11	Denial of License or Permit
1030.13	Cite for Re-examination
1030.15	Physical and Mental Evaluation
1030.16	Errors in Issuance of Driver's License/Cancellation
1030.17	Medical Criteria Affecting Driver Performance
1030.18	Classification of Drivers-References
1030.20	Classification Standards
1030.30	Fifth Wheel Equipped Trucks
1030.40	Bus Driver's Authority, Religious Organization and Senior Citizen Transportation
1030.50	Commuter Van Driver Operating a For-Profit Ridesharing Arrangement
1030.55	Third-Party Certification Program
1030.60	Religious Exemption for Social Security Numbers
EMERGENCY	Instruction Permits
1030.63	Driver's License Testing/Vision Screening
1030.65	Driver's License Testing/Vision Screening with Vision Aid
1030.70	Arrangements Other Than Standard Eye Glasses or Contact Lens(es)
1030.75	Driver's License Testing/Written Test
1030.80	Endorsements
1030.81	Vehicle Inspection
1030.84	Driver's License Testing/Road Test
1030.85	Multiple Attempts - Written and/or Road Tests
1030.86	Exemption of Facility Administered Road Test
1030.88	Temporary Licenses
1030.89	Requirement For Photograph and Signature of Licensee on Driver's License
1030.90	Disabled Person/Handicapped Identification Card
1030.91	Restrictions
1030.92	Restricted Local Licenses
1030.93	Duplicate or Corrected Driver's License or Instruction Permit
1030.94	Consular Licenses
1030.95	Restricted Commercial Driver's License
1030.96	Invalidation of a Driver's License, Permit and/or Driving Privilege
1030.97	School Bus Commercial Driver's License
1030.98	Anatomical Gift Donor
1030.100	Emergency Medical Information Card
1030.110	Change-of-Address
1030.115	Issuance of a Probationary License
1030.120	

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1030.130 Grounds for Cancellation of a Probationary License
 APPENDIX A Questions Asked of a Driver's License Applicant
 APPENDIX B Acceptable Identification Documents

AUTHORITY: Implementing Article I of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/Ch. 6, Art. I] and authorized by Section 2-104(b) of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code [625 ILCS 5/2-104(b)].

SOURCE: Filed March 30, 1971; amended at 3 Ill. Reg. 7, p. 13, effective April 2, 1979; amended at 4 Ill. Reg. 27, p. 422, effective June 23, 1980; amended at 6 Ill. Reg. 2400, effective February 10, 1982; codified at 6 Ill. Reg. 12674; amended at 9 Ill. Reg. 2716, effective February 20, 1985; amended at 10 Ill. Reg. 303, effective December 24, 1985; amended at 10 Ill. Reg. 18182, effective October 14, 1986; amended at 11 Ill. Reg. 9331, effective April 28, 1987; amended at 11 Ill. Reg. 18292, effective October 23, 1987; amended at 12 Ill. Reg. 3027, effective January 14, 1988; amended at 12 Ill. Reg. 13221, effective August 1, 1988; amended at 12 Ill. Reg. 16915, effective October 1, 1988; amended at 12 Ill. Reg. 19777, effective November 15, 1988; amended at 13 Ill. Reg. 5192, effective April 1, 1989; amended at 13 Ill. Reg. 7808, effective June 1, 1989; amended at 13 Ill. Reg. 12880, effective July 19, 1989; amended at 13 Ill. Reg. 12978, effective July 19, 1989; amended at 13 Ill. Reg. 12978, effective July 19, 1989; amended at 13 Ill. Reg. 13898, effective August 22, 1989; amended at 13 Ill. Reg. 15112, effective September 8, 1989; amended at 13 Ill. Reg. 17095, effective October 18, 1989; amended at 14 Ill. Reg. 4570, effective March 8, 1990; amended at 14 Ill. Reg. 4908, effective March 9, 1990; amended at 14 Ill. Reg. 5183, effective March 21, 1990; amended at 14 Ill. Reg. 8707, effective May 16, 1990; amended at 14 Ill. Reg. 9246, effective May 16, 1990; amended at 14 Ill. Reg. 9498, effective May 17, 1990; amended 14 Ill. Reg. 10111, effective June 11, 1990; amended at 14 Ill. Reg. 10510, effective June 18, 1990; amended at 14 Ill. Reg. 12077, effective July 5, 1990; amended at 14 Ill. Reg. 15487, effective September 10, 1990; amended at 15 Ill. Reg. 15783, effective October 18, 1991; amended at 16 Ill. Reg. 2182, effective January 24, 1992; emergency amendment at 16 Ill. Reg. 12228, effective July 16, 1992, for a maximum of 150 days; emergency expired on December 13, 1992; amended at 16 Ill. Reg. 18087, effective November 17, 1992; emergency amendment at 17 Ill. Reg. 1219, effective January 13, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 2025, effective February 1, 1993; amended at 17 Ill. Reg. 7065, effective May 3, 1993; amended at 17 Ill. Reg. 8275, effective May 24, 1993; amended at 17 Ill. Reg. 8522, effective May 27, 1993; amended at 17 Ill. Reg. 19315, effective October 22, 1993; amended at 18 Ill. Reg. 1591, effective January 14, 1994; amended at 18 Ill. Reg. 7478, effective May 2, 1994; amended at 18 Ill. Reg. 16457, effective October 24, 1994; amended at 19 Ill. Reg. 10159, effective June 29, 1995; amended at 20 Ill. Reg. 3891, effective February 14, 1996; emergency amendment at 20 Ill. Reg. 8358, effective June 4, 1996, for a maximum of 150 days; emergency amendment repealed in response to an objection of the Joint Committee on Administrative Rules at 20 Ill. Reg. 14279; amended

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at 21 Ill. Reg. 6588, effective May 19, 1997; amended at 21 Ill. Reg. 10992, effective July 29, 1997; amended at 22 Ill. Reg. 1466, effective January 1, 1998; emergency amendment at 23 Ill. Reg. 9552, effective August 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 13947, effective November 8, 1999; amended at 24 Ill. Reg. 1259, effective January 7, 2000; emergency amendment at 24 Ill. Reg. 1686, effective January 13, 2000, for a maximum of 150 days.

Section 1030.60 Third-Party Certification Program

EMERGENCY

a) The Secretary of State shall adopt the following definitions for the terms listed as follows:

"Branch Facility" - a separate instructional facility operated and directly supervised by a third-party certifying entity at a location different from the principal location of the third-party certifying entity.

"Business Day" - any day on which the Office of the Secretary of State is open; Monday through Saturday, excluding State holidays.

"Candidate for Employment or by Membership" - one who is offered a written contract of employment contingent upon successfully completing the training course.

"CDL Skills Test" - test given to an applicant who is attempting to obtain a Commercial Driver's License (CDL).

"Commercial Driver's License (CDL)" - a driver's license issued by a state to a person, which authorizes that person to drive a certain class of commercial motor vehicle or vehicles. [625 ILCS 5/6-500(3)]

"Department" - Department of Driver Services within the Office of the Secretary of State.

"Driver Applicant" - an individual employed by or otherwise a candidate for employment or by membership, with a third-party certifying entity, who participates in the third-party certification program.

"Fraud" - includes anything calculated to deceive, whether it be a single act or combination of circumstances, whether the suppression of truth or the suggestion of what is false, whether it be by direct falsehood or by innuendo, by speech or by silence.

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"Motor Vehicle" - any properly registered vehicle meeting the description of the vehicle group of the class the driver applicant operates, or expects to operate.

"Non-CDL Skills Test" - any drive test given to an applicant who is attempting to obtain a driver's license except for a D classification, a CDL or a CDL endorsement.

"Passenger Endorsement" - an indication on the driver's license that the driver has qualified to operate a vehicle designed to transport 16 or more persons, including the driver.

"Restriction" - requirement or condition added to a driver's license which might first be met by the license holder before he/she may legally operate a motor vehicle.

"Safety Officer" - any individual employed by a third-party certifying entity who is licensed for the purpose of conducting the skills test to determine for certification purposes that a driver applicant has been tested and meets the same qualifications required by the Secretary of State.

"Secretary of State" - Illinois Secretary of State.

"Third-Party Certification License" - a license issued by the Secretary of State to conduct a qualified third-party certification program, pursuant to Section 6-508 of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/6-508].

"Third-Party Certification Program" - a program designed by the Secretary of State allowing third-party entities to provide to employees and candidates for employment or by membership a qualified training program of classroom and/or behind-the-wheel testing for the purpose of certifying to the Secretary of State that a driver applicant is qualified to operate a motor vehicle without the Secretary of State having to administer a road test pursuant to Section 6-508 of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/6-508].

"Third-Party Certifying Entity" - any third-party entity licensed by the Secretary of State to engage in a third-party certification program.

"Training Vehicle" - a motor vehicle registered and insured by a licensed Commercial Driver Training School in accordance with Section 6-410 of the Illinois Vehicle Code [625 ILCS 5/6-410] and 92 Ill. Adm. Code 1060.110(d)(7) and used for the sole purpose of

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training and testing.

b) The Secretary of State shall not require an actual demonstration of the ability of the driver applicant to operate and exercise ordinary and reasonable control of a motor vehicle for purposes of third-party certification programs, if the third-party certifying entity complies with the following requirements:

1) License Required. - No person, firm, association, partnership or corporation shall operate a third-party certification program, unless a license has been issued by the Secretary of State.

2) Certify Only Employees or Members. - A third-party certifying entity shall certify only those driver applicants who are employed and on the payroll of the entity, or are members at the time of certification.

3) An entity may test and certify individuals who are not employees or members provided the entities meet the following conditions:
A) The entity must own or lease at least 7 ~~seven~~ training vehicles in the classification in which they skills test.

B) The entity must maintain at least 7 ~~seven~~ licensed safety officers who must skills test a minimum of 12 ~~twelve~~ employees or candidates for employment or membership within a 12-month period.

C) In the event the entity is a driving school, the instructor who gives the preponderance of training to a driver applicant cannot administer the skills test to the driver applicant.

D) The driver applicant must be a candidate for employment and be eligible to be employed by the third-party entity upon successfully completing and passing all of the requirements of the third-party certification program and obtaining a CDL.

E) The third-party certifying entity must employ 75 ~~seventy-five~~ percent of those driver applicants who successfully complete the third-party certification program and obtain a CDL.

F) Any applicant for certification as a third-party tester may submit with its application a request for a waiver of the requirement that the third-party tester employ a minimum of 75 percent of those tested. Such request shall include the following:

- i) Number of drivers employed by the applicant.
- ii) Distance from the Department's nearest driver examination point.
- iii) Estimated number of employees per year who will require CDL skills testing.
- iv) Additional information to support waiver request.
- v) The Department will consider the request and notify the applicant in writing of its decision after

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reviewing and evaluating the application.

G) Any fees due from individuals tested may not be accepted by the entity until after 60 ~~sixty~~ 60 days after successful completion of the training program, or the individual is no longer employed by the entity or has declined the offer of employment.

H) The entity must have a training program that meets the requirements contained in 49 CFR 383.110-121 (1995) (49 USC 8-S-6- 3102; 49 USC 8-S-6- App. 12701 ~~et seq~~; 49 CFR 8-F-R- 1.48). (No later amendments are incorporated herein.)

i) The entity must submit a copy of its training program to the Secretary of State for approval.

ii) The entity must follow the approved training course and maintain its training records for 4 ~~four~~ 4 years.

I) The entity must provide copies of contract forms between the entity and individuals tested to the Secretary of State.

J) The entity must have a minimum of 300 square feet of classroom space.

K) Any third-party entity testing individuals who are not employees or members will have a sample percentage of certified driver applicants reexamined annually in accordance with Federal regulations (49 CFR 383.75(a)(2)(iv)).

c) Issuance and Renewal of Licenses

1) When an application is submitted for an original third-party certification license, or safety officer license, the applicant or applicants shall not conduct any business as a third-party certifying entity or safety officer until a license is issued by the Secretary of State pursuant to the requirements contained in subsections (d) and (i) of this Section.

2) When an application is made for the renewal of an existing third-party certification license or a safety officer license, the applicant shall have the authority to continue to conduct business as a third-party certifying entity or a safety officer until the renewal application is granted or denied by the Department, provided the application has been filed in a timely manner as provided in subsection (f)(4) of this Section. The application for said license shall be made in the same manner as an application for an original third-party certification license or safety officer license.

3) Licenses may not be assigned. No individual, partnership, association, or corporation may sell, assign, barter or trade a third-party certification license or safety officer license issued by the Secretary of State.

4) The Secretary may allow entities, otherwise ineligible to be licensed as a third-party certifying entity, to conduct a third-party certification program on a trial basis, not to exceed

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1 one year. At the close of the trial period, the Secretary will determine whether the entities participating in the pilot program shall be granted third-party certification entity status under this Section Rule.

d) Requirements - Third-Party Certification Entities

1) The entity shall have at least 1 ~~one~~ employee who is licensed or qualified to be licensed as a safety officer for the third-party certification program. Entities certifying non-members or non-employees must employ 7 ~~seven~~ 7 licensed safety officers as provided in subsection (b)(3)(B) of this Section.

2) The entity shall have a regularly established place of business in the State of Illinois and operate or have access to appropriate vehicles, with the exception of employers having a regular place of business in a contiguous state, e.g. Indiana, Missouri, Wisconsin, Iowa and Kentucky. Any entity having their headquarters in a border state and wishing to participate in the third-party certification program, shall have an appointed agent, for purposes of this program, who is licensed as a safety officer and holds a valid Illinois driver's license or a CDL issued by a contiguous state.

3) The entity shall submit to the Department a copy of any subcontract of services described in this Part.

4) The entity shall have a prescribed physical driving course for each location and be required to meet a driving skills test with the same minimum standards as the course used for examination by the Secretary of State (92 Ill. Adm. Code 1030.85).

5) The entity shall have access to a properly registered motor vehicle which meets the definition of the vehicle group of the classification that the driver applicant operates or expects to operate. Entities certifying non-members or non-employees must maintain at least 7 ~~seven~~ 7 owned or leased training vehicles as provided in subsection (b)(3)(A) of this Section.

6) The entity shall provide the driver applicant, who takes and passes the skills tests, with documented proof (Secretary of State's driver test form) of the same, which shall evidence to the Department that the individual has successfully passed the skills tests administered by the third-party certifying entity.

7) The entity shall collectively submit completed application forms to the Department for each main office, branch office and safety officer.

8) The entity shall have and use a business telephone listing for all business purposes.

9) If a licensed safety officer is temporarily suspended, laid-off or discharged by a third-party certifying entity, the entity shall immediately notify the Secretary of State, on forms furnished by the Secretary of State, of the name, address and license number of the safety officer, such officer's termination date and reason for termination. In all cases where a safety

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officer has ceased working for the third-party certifying entity, the safety officer must surrender his/her license to the Secretary of State.

10) Facility

A) The established place of business of each third-party certifying entity must consist of at least the following permanent facilities:

- i) an office facility;
- ii) appropriate space (an area at least 15 feet wide by 100 feet long) to conduct all basic control skills tests (92 Ill. Adm. Code 1030.85).

B) A third-party certifying entity which has an established place of business may operate a branch facility provided the branch facility meets all requirements of the main facility pursuant to subsections (d)(10)(A) and (d)(10)(D)† of this Section.

C) Upon receipt by the Secretary of State of a written request to open a branch facility, an authorized representative of the Secretary of State shall inspect the branch facility and, if it complies with the provisions of this rule, shall issue the appropriate license which must be displayed in a visibly prominent place in the branch facility.

D) Location must comply with public health and safety standards contained in the Public Building Egress Act [415 ILCS 55], the Natural Gas Odor Injection Act [430 ILCS 25], and the Environmental Barriers Act [410 ILCS 25].

11) Records - All third-party certifying entities licensed by the Secretary of State must maintain a record showing the name and address of each driver certified by the entity, the instruction permit or driver's license number of every driver certified, and the results of the final skills test, including endorsements, given to each driver applicant, the name of the safety officer who administered the skills test and the license plate number of the vehicle used to conduct the test.

A) All records must be maintained for a period of 4 four(4)† years.

B) Proof of eligibility for certification and final skills tests results for each driver applicant must be kept at the location where the road test was given.

C) Maintain proof of training course completion for each individual CDL certified who does not hold a valid CDL at the time of testing on the form provided by the Secretary of State, or an equivalent form approved by the Secretary of State.

12) Auditing - CDL Driving Skills Test

A) All third-party certifying entities must allow the Secretary of State, Federal Highway Administration or its representatives, to conduct random examinations,

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inspections, and audits without prior notice pursuant to 49 CFR 385.85, including audits of employment records of individuals certified by the third-party certification entity.

B) All third-party certifying entities must allow the Secretary of State to conduct on-site inspections at least annually.

C) The Secretary of State or his designee shall annually re-examine a sample percentage of the certified driver applicants to compare pass/fail results and determine the percentage of certified driver applicants employed by the third-party certifying entity.

i) If the results of the random examination reflect a failure rate greater than the current Secretary of State's acceptable failure rate of 20 percent, the third-party entity will be notified in writing of the need to retrain the failed applicants.

ii) The retraining must be completed within 30 days at which time the trainee must be referred to the Secretary of State to be skills tested.

iii) The Commercial Driver Training School section will determine the location and time of the Secretary of State retests.

13) Display of Licenses - Each third-party certifying entity shall display in a prominent place at the established place of business the following:

A) The state license issued to the third-party certifying entity; and

B) Safety officer licenses of all safety officers employed by the third-party certifying entity.

14) Provide a minimum 2 week training course to each individual CDL certified who does not hold a valid CDL at the time of testing that meets the requirements of 49 CFR 383.110-121 (1995) (49 USC §102; 49 USC App. 12701; 49 CFR 1.49).

15) The third-party certification entity must provide the Secretary of State with the names of all individuals that were tested and certified from a non-CDL classification to a CDL classification by the entity whose employment/membership has been terminated up to 6 months after the date of certification.

A) The Secretary of State will cite these individuals to be retested in a representative vehicle in order for the individual to maintain the license classification in which they were originally certified.

B) The Secretary of State will provide each entity with a Verification of Continual Employment form to assist the third-party certification entity in determining the names of the individuals who have terminated their employment/membership up to 6 months after being certified.

16) The entity may not have a current unsatisfactory rating from the

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officer.

E) to any third-party certifying entity that fails to meet location standards:

i) fails to comply with public health and safety standards contained in the Public Building Egress Act [45 ILCS 55], the Natural Gas Odor Injection Act [430 ILCS 25], and the Environmental Barriers Act [410 ILCS 25].

ii) fails to have a telephone that registers to the third-party certification entity.

F) to any third-party certifying entity with a current unsatisfactory rating from the U.S. Department of Transportation.

2) The Secretary of State shall cancel a third-party certifying entity license for failing to correct after being served written notice, giving five(5) business days to correct, any violation of the following regulations and laws governing third-party entities:

A the entity employs individuals, also employed by the Secretary of State.

B) the entity owes outstanding fees to the Secretary of State.

C) the third-party certifying entity lacks a safety officer.

D) the third-party certifying entity fails to meet location standards:

i) fails to comply with public health and safety standards contained in the Public Building Egress Act [45 ILCS 55], the Natural Gas Odor Injection Act [430 ILCS 25], and the Environmental Barriers Act [410 ILCS 25].

ii) fails to have a telephone that registers to the third-party certification entity.

E) the entity currently has an unsatisfactory rating from the U.S. Department of Transportation.

3) The Secretary of State shall suspend a third-party certifying entity's license 3 up-to-3 months depending upon the severity of the infraction, upon evidence of the following:

A) improper recordkeeping in violation of subsection (d)(11) of this Section.

B) failure by the entity's certified driver applicants to pass skills tests upon re-examination pursuant to subsections (d)(12) and (c) of this Section.

C) any violation of this Part.

D) failure to provide the required training to individuals that were CDL certified and did not hold a valid CDL at the time of testing.

E) failure to notify the Secretary of State with names of individuals that were certified from a non-CDL classification to a CDL classification and whose

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employment/membership was terminated up to 6 months after the date of certification.

4) The Secretary of State shall suspend a third-party certifying entity's license up to 6 six--(6) months depending upon the severity of the infraction, upon evidence of the failure to produce records upon demand of the auditing agency.

5) The Secretary of State shall suspend a third-party certifying entity's license up to 1 one--(1) year depending upon the severity of the infraction, if it is discovered the entity is certifying applicants who have not obtained instruction permits and/or have not maintained such instruction permits for at least 2 weeks prior to testing and certification. have not been previously licensed-in-a-classification-representative-of--the-vehicle--the applicant-intends-to-drive-

6) The Secretary of State shall revoke the third-party certifying entity's license upon evidence of the following:

A) the entity submitted a fraudulent application.

B) if the entity engages in or permits any type of fraudulent activity, either with reference to any certified individual or the Secretary of State.

h) Issuance and Renewal of Safety Officer License

1) Issuance of Licenses to Safety Officers - The Secretary of State shall issue a license to each safety officer when the Secretary of State is satisfied that such person has met the qualifications required under this Rule. Each third-party certification safety officer license shall authorize the licensee to test for only the employer indicated on the license, except when the safety officer is employed by an entity providing contractual services to the third-party certification entity.

2) An individual may be issued 2 two--(2) safety officer licenses in the following combinations:

A) as a safety officer for 2 two--(2) governmental agencies, or
B) as a safety officer for a private entity and a governmental agency.

3) Expiration of Licenses - All outstanding licenses issued to any safety officer shall expire on the date the third-party entity license expires, unless sooner canceled, suspended, or revoked under the provisions of subsection (i) of this Section.

4) Renewal of Licenses - The license of each safety officer may be renewed subject to the same conditions as the original license.

5) Licenses - Form and Filing - All applications for renewal of a safety officer license shall be on a form prescribed by the Secretary of State and must be filed with the Secretary not less than 30 thirty--(30) days preceding the expiration date of the license to be renewed.

i) Safety Officer

1) Requirements. The Secretary of State shall not issue a safety officer license:

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- A) unless the safety officer applicant is 21 years of age.
- B) if the applicant fails to properly make application for such license.
- C) if the applicant submits a fraudulent application.
- D) if the applicant owes outstanding fees to the Secretary of State.
- E) if the applicant's driver's license is currently canceled, suspended or revoked.
- F) unless the safety officer applicant is employed by a third-party certifying entity.
- G) unless the safety officer applicant has, for at least 2 two (2) years immediately preceding application, a valid driver's license in the specific classification in which he/she intends to test and, if intending to skills test school bus permit applicants, a current, valid school bus driver permit.
- H) to any person intending to skills test CDL driver applicants or school bus permit applicants who:
- i) has not completed the third party CDL training session administered by the Secretary of State Commercial Driver Drivers Training section. The written test will consist of 30 questions pertaining to Secretary of State Examiners Guide for CDL and will be offered by the department at periodic intervals. In order to pass the written test an individual shall answer at least 24 questions correctly. The third party school bus program will have an additional 10 questions and the individual must answer 8 questions correctly in order to pass.
 - ii) has not passed a CDL skills examination in the classification and/or endorsements in which they intend to skills test. The department will offer this examination at periodic intervals. Each applicant will be given a maximum of 3 three-(3) opportunities in a twelve month period to pass the commercial driver's license safety officer examination. An applicant for a commercial driver's license safety officer may be allowed to attempt the road test a second time in the same day during normal business hours of the Driver Services facility if he/she fails the first attempt to pass the road test. However, if the applicant demonstrates a danger to the public safety during his/her first attempt to pass a road test, he/she will not be allowed to make a second or subsequent attempt during the same day. An applicant will not be allowed to make a third attempt to pass a road test on the same day in which he/she failed the previous attempt. Individuals who have failed their third examination

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- must wait at least 1 one-(1) year from the date of the third failure before making a new application.
- I) to any person whose driver's license has been suspended or revoked, within a period of 5 five-(5) years of the date of application.
- J) to any person who fails to properly make application for such safety officer's license or otherwise indicates that he/she is unqualified to receive such a license.
- K) to any person who is currently a salaried employee of the Secretary of State.
- L) the applicant does not meet the requirements provided in subsection (i)(1)(H) of this Section.
- M) the applicant does not hold a valid Illinois driver's license or a driver's license from a contiguous state in the classification and/or endorsement in which he/she intends to skills test.
- N) to any applicant who has been convicted of driving while under the influence of alcohol, other drugs, or a combination thereof.
- O) to any individual who has failed to comply with the provisions of these Rules.
- 2) Denial of License. The Secretary of State shall deny a safety officer's license upon evidence that:
- A) the applicant has been convicted of driving while under the influence of alcohol, other drugs, or a combination thereof; leaving the scene of an accident; and reckless homicide or reckless driving, or is suspended under Section 6-206(a)(3) of the Illinois Driver Licensing Law of the Illinois Vehicle Code or Section 11-501.1 of the Illinois Rules of the Road of the Illinois Vehicle Code within 5 years prior to the date of application.
 - B) the applicant fails to properly make application for such license.
 - C) the applicant is not employed by a third-party certifying entity.
 - D) the applicant is currently a salaried employee of the Secretary of State.
 - E) the applicant is not at least 21 years of age.
 - F) the applicant submits a fraudulent application.
 - G) the applicant owes outstanding fees to the Secretary of State.
 - H) the applicant's driver's license is currently canceled, suspended or revoked.
 - I) the applicant's driver's license has been suspended or revoked within a period of 5 five-(5) years of the date of application. However, suspensions related to auto emissions and parking are exempt from the five year period after the suspension is terminated.

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- J) the applicant has not held, for at least 2 ~~two--(2)~~ years immediately preceding application, a valid license in the classification and/or endorsement in which he intends to test or the equivalent under the classification system prior to April 1, 1990.
- K) the applicant does not meet the requirements provided in subsection (i)(1)(H) of this Section.
- L) the applicant does not hold a valid Illinois driver's license or a driver's license from a contiguous state in the classification and/or endorsement in which he/she intends to skills test.
- 3) The Secretary of State shall immediately cancel a safety officer's license upon evidence that:
- the individual's driver's license is currently canceled, suspended or revoked.
 - the individual's driver's license has been suspended or revoked within a period of 5 ~~five--(5)~~ years of the date of application. However, suspensions related to auto emissions and parking are exempt from the 5 ~~five~~ year period after the suspension is terminated.
 - the individual has not held, for at least 2 ~~two--(2)~~ years immediately preceding application, a valid license in the classification in which he intends to test or the equivalent under the classification system prior to April 1, 1990, unless it is a CDL classification or endorsement.
 - the individual intends to skills test CDL driver applicants, but has not received training equivalent to that given to Secretary of State examiners administering CDL driving skills tests.
 - the individual is no longer employed by the third-party certification entity or no longer has a valid license.
 - the individual is currently a salaried employee of the Secretary of State.
 - the individual owes outstanding fees to the Secretary of State.
 - the individual fails to administer a minimum of 12 ~~twelve~~ (12) skills tests to candidates for employment or membership as required in subsection (b)(3)(B) of this Section.
- 4) The Secretary of State shall suspend a safety officer's license:
- if it is discovered the safety officer is certifying applicants who have not obtained instruction permits, and/or have not maintained such instruction permits for at least 2 weeks prior to testing and certification.
 - improper record keeping in violation of subsection (b)(11) of this Section ~~Part~~; and
 - upon any violation of this Part.
- 5) The Secretary of State shall revoke a safety officer's license upon receipt of evidence that:

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- the individual has been convicted of driving under the influence of alcohol, other drugs, or a combination thereof; leaving the scene of an accident; and reckless homicide or reckless driving, or is suspended under Sections 6-206(a)(3) or 11-501.1 of the Illinois Vehicle Code within 5 years prior to the date of application.
 - the individual submits a fraudulent application.
 - the individual engages in or permits any type of fraudulent activity, either with reference to a student or the Secretary of State, which includes but is not limited to certifying a person not eligible.
- 6) The Secretary of State shall have the discretionary authority to issue warning letters to third-party certifying entities or safety officers for violations of the regulations and laws governing commercial driver training schools as found in this Part and Article IV of the Illinois Driver Licensing Law of the Illinois Vehicle Code.
- J) Hearings
- Prior to the denial of a third-party entity and/or safety officer's license, the Department shall send written notice to that person and/or entity. If a formal hearing is requested, the request must be in writing during the notice period. The basis for denial of a license is stated in this administrative code.
 - Prior to the suspension or revocation of the license or accreditation of a third-party certifying entity or safety officer, the Department will conduct a hearing in accordance with 92 Ill. Adm. Code 1001, Subpart A and Section 2-118 of the Illinois Vehicle Code [625 ILCS 5/2-118], wherein the Department will present competent evidence to establish violations of any regulations or laws governing third-party entities and/or safety officers and seek the appropriate sanctions in accordance with this Section.
 - Review Under Administrative Law. Judicial Review - The action of the Secretary of State in canceling, suspending, revoking or denying any license under this Act shall be subject to judicial review in the Circuit Court of Sangamon County or the Circuit Court of Cook County, pursuant to Section 2-118 of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code [625 ILCS 5/2-118] and the provisions of the Administrative Review Law [735 ILCS 5/Art. 3]. All the provisions and modifications thereto, and all the rules adopted thereto, are hereby adopted and shall apply to and govern every action for judicial review of the final acts or decisions of the Secretary of State under this Section.

(Source: Amended by emergency rulemaking at 24 Ill. Reg. effective January 13, 2000, for a maximum of 150 days)

DEPARTMENT OF HUMAN SERVICES

NOTICE OF CORRECTIONS TO PROPOSED RULE NOTICE

- 1) Heading of the Part for which proposed rulemaking notice is being corrected: Provider Requirements, Type Service and Rates of Payment
- 2) Code Citation: 89 Ill. Adm. Code 686
- 3) Illinois Register Citation to Notice of Proposed Rules: January 7, 2000, 24 Ill. Reg. 211

- 4) Section being Corrected: Notice Page

- 5) Corrections being made:

12) Initial Regulatory Flexibility Analysis

- A) Type of small businesses, small municipalities and not for profits corporations affected: Any entities that provide the specified services to the customers of the Home Services Program.
- B) Reporting, bookkeeping or other procedures required for compliance: The availability of records and proof of proper service capacity during the site visit. This is not affected by this rulemaking.
- C) Type of professional skills necessary for compliance: Knowledge of services being provided and records required.

DEPARTMENT OF THE LOTTERY

NOTICE OF PUBLIC INFORMATION

Pursuant to the provisions of 20 ILCS 1605/7.1, the Illinois Department of the Lottery shall publish each January in the Illinois Register a list of all game-specific rules, play instructions, directives, operations manuals, brochures, or other game-specific publications issued by the Department during the previous year. Following is the list of game-specific materials published by the Lottery during calendar year 1999.

Departmental Directive #99-08: "Special Game Designation: World Championship Wrestling, Game #02, Collect and Win Component"

Departmental Directive #99-09: "Special Game Designation: Ticketmaster" Instant Access, Game #07, Gift Certificate Prizes"

Departmental Directive #99-10: "Limited Term Option to Liquidate Annuity Prizes"

Departmental Directive #00-02: "Special Game Designation: Holiday Cash, Game #37"

Game Rules - Instant Game No. 69, "Just for You"

Game Rules - Instant Game No. 76, "High 5"

Game Rules - Instant Game No. 80, "Shake, Rattle & Roll"

Game Rules - Instant Game No. 86, "Lucky Ewe Doubler/Downtown Doubler"

Game Rules - Instant Game No. 87, "Quick Cash"

Game Rules - Instant Game No. 92, "Marilyn Monroe"

Game Rules - Instant Game No. 95, "The Mod Squad"

Game Rules - Instant Game No. 97, "Cash Combination/Cool Cash"

Game Rules - Instant Game No. 98, "Winner's Circle"

Game Rules - Instant Game No. 01, "U Gotta Play to Win"

Game Rules - Instant Game No. 02, "WCW" Wrestling Match"

Game Rules - Instant Game No. 04, "The Mummy"

Game Rules - Instant Game No. 05, "Be a Player"

Game Rules - Instant Game No. 06, "7-11-21"

Game Rules - Instant Game No. 07, "Ticketmaster" Instant Access"

Game Rules - Instant Game No. 08, "Baseball W'Innings"

Game Rules - Instant Game No. 09, "Lucky Duck Double Doubler/Double Take Double Doubler"

Game Rules - Instant Game No. 10, "Double Check/Double Your Luck"

Game Rules - Instant Game No. 11, "Win 4 Life"

Game Rules - Instant Game No. 12, "One Eyed Jack"

Game Rules - Instant Game No. 13, "One in a Million Mom/Top Drawer Dad"

Game Rules - Instant Game No. 14, "Funny Money"

Game Rules - Instant Game No. 15, "Toucan Tripler/Tuxedo Tripler"

Game Rules - Instant Game No. 16, "Dilly Dollars"

Game Rules - Instant Game No. 17, "Poker Party"

Game Rules - Instant Game No. 18, "Tool Time Tripler"

Game Rules - Instant Game No. 19, "Chomp Change/Chimp Change"

Game Rules - Instant Game No. 20, "Dough for Me"

Game Rules - Instant Game No. 21, "Double Bingo"

Game Rules - Instant Game No. 22, "In the Black"

Game Rules - Instant Game No. 23, "Blackout Bingo"

Game Rules - Instant Game No. 24, "Red Hot & Blue"

DEPARTMENT OF REVENUE
NOTICE OF PUBLIC INFORMATION

1. Statute requiring agency to publish information concerning interest rate information in the Illinois Register:

Name of Act: Uniform Penalty and Interest Act
Citation: 35 ILCS 73 5/3-1

2. Summary of information:

Section 3-2(a) of the Uniform Penalty and Interest Act provides that interest paid by the Department of Revenue and interest charged to taxpayers by the Department shall be paid at the annual rate determined by the Department. That rate is underpayment rate established under Section 6621 of the Internal Revenue Code.

Section 3-2(b) of the UPIA states that the interest rate shall be adjusted on a semiannual basis, on January 1 and July 1, based upon the underpayment rate going into effect on that January 1 or July 1 under Section 6621 of the Internal Revenue Code.

Recently, in Revenue Ruling 99-53 the Internal Revenue Service announced that the underpayment rate will be 8% for the period beginning January 1, 2000. Therefore, the interest rate paid by the Illinois Department of Revenue and the interest rate charged to taxpayers by the Illinois Department of Revenue will be 8% from January 1, 2000 through June 30, 2000.

3. Name and address of person to contact concerning this information:

Paul Caselton
Deputy General counsel (Income Tax)
Legal Services Office
Illinois Department of Revenue
101 W. Jefferson
Springfield, Illinois 62794
Phone: (217) 782-7055

DEPARTMENT OF THE LOTTERY
NOTICE OF PUBLIC INFORMATION

- Game Rules - Instant Game No. 25, "Super 7 Slots"
- Game Rules - Instant Game No. 26, "Aces"
- Game Rules - Instant Game No. 27, "Illinois' Luckiest"
- Game Rules - Instant Game No. 28, "\$10,000 Mystery Maze"
- Game Rules - Instant Game No. 29, "Double 21"
- Game Rules - Instant Game No. 30, "Cash Vault"
- Game Rules - Instant Game No. 31, "Creepy Crawler Cash"
- Game Rules - Instant Game No. 32, "Picture Perfect Bingo"
- Game Rules - Instant Game No. 33, "\$1,000 Cash Explosion"
- Game Rules - Instant Game No. 34, "7-11-21"
- Game Rules - Instant Game No. 35, "Turkey Tripler"
- Game Rules - Instant Game No. 36, "Cookie Jar Change/Finders Keepers Change"
- Game Rules - Instant Game No. 37, "Holiday Cash"
- Game Rules - Instant Game No. 38, "Holiday Bonus Bingo"
- Game Rules - Instant Game No. 39, "Lotta Luck"
- Game Rules - Instant Game No. 40, "Winner Take All"
- Game Rules - Instant Game No. 41, "Winner Green"
- Game Rules - Instant Game No. 42, "Ripley's Believe it or Not"
- Game Rules - Instant Game No. 43, "Three of a Kind"
- Game Rules - Instant Game No. 44, "Red Hot Money"
- Game Rules - Instant Game No. 45, "Mega Bucks"
- Game Rules - Instant Game No. 46, "Lucky Dice"
- Game Rules - Instant Game No. 51, "Instant Payday"
- Illinois' Luckiest TV Game Show Procedures, revised effective March 27, 1999
- Illinois' Luckiest Anniversary Special Procedures 1999 Summer Event 2nd Chance Drawing Rules & Procedures
- "Ticketmaster" Instant Access" Ticket Tower Tournament Official Rules (Rockford, Peoria, Alton, Springfield)
- Lotto Subscription Drawing Procedures
- Instant Ticket Claim Dates
- Current Instant Game Chart
- 1999 Winning Numbers Lists (Pick 3, Pick 4, Little Lotto, Lotto, The Big Game)
- Lottery Financial History, Sales by Game/Where Your Dollar Goes How to Play Lottery brochure

Copies of the foregoing may be obtained by submitting a written request to:

Freedom of Information Officer
Illinois Department of the Lottery
P. O. Box 19080
Springfield, Illinois 62794-9080

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

JANUARY 2000 REGULATORY AGENDA

a) Part(s) (Heading and Code Citation): Pay Plan, 80 Ill. Adm. Code 310

1) Rulemaking(s):

A) Description: Projected amendments to the Department of Central Management Services' Pay Plan will include revisions to the following sections:

In Sections 310.110, 310.130 and 310.530, the date of the fiscal year will be revised upon the filing of the Schedule of Salary Grades and Merit Compensation plans.

In Section 310.230, Part-time Daily or Hourly Special Services Rate, this section will be reviewed to update and delete titles that are not presently being utilized under the special services rate. Also, the daily and hourly rates for the Account Technician II, Office Aide, Office Assistant, Office Associate, Office Clerk and Revenue Tax Specialist will be upgraded to be parallel with the monthly minimum and maximum salaries for those titles negotiated for July, 2000.

In Section 310.270, Legislated and Contracted Rate, the Arbitrator's annual salary may be upgraded for July, 2000.

In Section 310.280, Designated Rate, the revisions to this section will reflect changes in salaries, the addition of new positions and deletion of positions no longer being utilized under this section as approved by the Governor.

In Section 310.290, Out-of-State or Foreign Service Rate, the salary ranges for the out-of-state position titles will be adjusted to maintain the same differential above the in-state position titles.

In Section 310.540, Annual Merit Increase Guidechart, the guidechart will be revised to reflect changes in allowable amounts of salary increases for the level of performance upon implementation of Merit Compensation changes.

In Section 310. Appendices B, C, D and G, salary amendments for Fiscal Year 2001 are anticipated in relation to the Schedule of Salary Grades and Merit Compensation plans.

Peremptory amendments will be filed in relation to new Collective Bargaining Agreements anticipated for July, 2000 - 2002.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

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We anticipate that there will be a number of changes to the various collective bargaining tables to set forth new classes and revised salary ranges for certain classifications which are not yet identified.

Other amendments will likely be necessary although this cannot be projected at this time.

B) Statutory Authority: Authorized by Section 8a(2) of the Personnel Code [20 ILCS 415/8 and 8a].

C) Schedule of date(s) for hearings, meetings, or other opportunities for public participation: Specific criticisms, suggestions and/or comments can be forwarded to the Department of Central Management Services in writing by interested persons during the First Notice Period of the Pay Plan amendments.

D) Date(s) agency anticipates First Notice(s): Proposal to amendment sections pertaining to the Schedule of Salary Grades and Merit Compensation plans will be filed in June, 2000.

Peremptory amendments on new Collective Bargaining Agreements will be filed as negotiations are completed.

Amendments to Section 310.280, Designated Rate, will be filed as changes are made by the Governor throughout the year. The other projected amendments are anticipated to be filed at a later date.

E) Affect on small businesses, small municipalities or not for profit corporations: These amendments to the Pay Plan pertain only to State employees subject to the Personnel Code under the Governor. They do not set out any guidelines that are to be followed by local or other jurisdictional bodies within the State.

F) Agency contact person for information:

Mr. Michael Murphy
Department of Central Management Services
Division of Technical Services
504 William G. Stratton Building
Springfield, Illinois 62706
(217) 782-5601

G) Related rulemakings and other pertinent information: Other

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

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amendments may be necessary based on emergent issues regarding State employee salary rates and policies.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

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- a) Part(s) Heading and Code Citation: Placement and Visitation Services (89 Ill. Adm. Code 301)

1) Rulemaking:

A) Description: Criteria for assessing homes of non-custodial parents as placement resources for children who are removed from the custodial parent due to abuse or neglect will be added.

B) Statutory Authority: 20 ILCS 505

C) Scheduled meeting/hearing dates: No hearings or meetings have been scheduled.

D) Date agency anticipates First Notice: Spring 2000

E) Affect on small business, small municipalities or not for profit corporations: None

F) Agency contact person for information:

Mr. Jeff E. Osowski
Department of Children and Family Services
Office of Child and Family Policy
406 East Monroe, Station #65
Springfield, Illinois 62701-1498
217/524-1983
FAX: 217/557-0692
cfpolicy@idcfs.state.il.us

G) Related Rulemaking and other pertinent information: None

- b) Part(s) Heading and Code Citation: Intact Family Services (89 Ill. Adm. Code 303)

1) Rulemaking:

A) Description: New rules will be proposed to address the provision of Department services for families in which the children have not been removed from the home, with the goal of preventing the removal by ensuring that the child can remain safe and have his/her needs met in the home.

B) Statutory Authority: 20 ILCS 505

C) Scheduled meeting/hearing dates: No hearings or meetings have been scheduled.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

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D) Date agency anticipates First Notice: Spring 2000

E) Affect on small business, small municipalities or not for profit corporations: None

F) Agency contact person for information:

Mr. Jeff E. Osowski
Department of Children and Family Services
Office of Child and Family Policy
406 East Monroe, Station #65
Springfield, Illinois 62701-1498
217/524-1983
FAX: 217/557-0692
cfpolicy@dcfs.state.il.us

G) Related Rulemaking and other pertinent information: None

c) Part(s) Heading and Code Citation: Adoption Services for Children for Whom the Department of Children and Family Services is Legally Responsible (89 Ill. Adm. Code 309)

1) Rulemaking:

A) Description: Adds provisions outlined in PA 91-417 regarding the Adoption Registry.

B) Statutory Authority: 20 ILCS 505

C) Scheduled meeting/hearing dates: No hearings or meetings have been scheduled.

D) Date agency anticipates First Notice: Spring 2000

E) Affect on small business, small municipalities or not for profit corporations: None

F) Agency contact person for information:

Mr. Jeff E. Osowski
Department of Children and Family Services
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DEPARTMENT OF CHILDREN AND FAMILY SERVICES

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G) Related Rulemaking and other pertinent information: None

d) Part(s) Heading and Code Citation: Permanency Planning (89 Ill. Adm. Code 315)

1) Rulemaking:

A) Description: The definition of "best interest of the child" will be amended to delete the word "culture" to conform with the Inter Ethnic Placement Act. Revised time frames will be included for certain assessment activities. Language regarding worker interventions and contact will be amended to specify additional face-to-face contacts with the child. Concurrent planning will be required in all cases and the elements of concurrent planning will be explained in more detail.

B) Statutory Authority: 20 ILCS 505

C) Scheduled meeting/hearing dates: No hearings or meetings have been scheduled.

D) Date agency anticipates First Notice: Spring 2000

E) Affect on small business, small municipalities or not for profit corporations: None

F) Agency contact person for information:

Mr. Jeff E. Osowski
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Office of Child and Family Policy
406 East Monroe, Station #65
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FAX: 217/557-0692
cfpolicy@dcfs.state.il.us

G) Related Rulemaking and other pertinent information: None

e) Part(s) Heading and Code Citation: Family Reunification Services For Children For Whom the Department of Children and Family Services is Legally Responsible (89 Ill. Adm. Code 317)

1) Rulemaking:

A) Description: This new Part is being added to address Department requirements for returning children to homes from which they have been removed due to danger to their safety and well being. This

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

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Part will address time frames for reunification as well as required Department services and interventions designed to ensure the child's safety and well-being once the child has been returned home.

- B) Statutory Authority: 20 ILCS 505
- C) Scheduled meeting/hearing dates: No hearings or meetings have been scheduled.
- D) Date agency anticipates First Notice: Spring 2000
- E) Affect on small business, small municipalities or not for profit corporations: None
- F) Agency contact person for information:

Mr. Jeff E. Osowski
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406 East Monroe, Station #65
Springfield, Illinois 62701-1498
217/524-1983
FAX: 217/557-0692
cfpolicy@dcfs.state.il.us

- G) Related Rulemaking and other pertinent information: None

- f) Part(s) Heading and Code Citation: Return of Runaway Children (89 Ill. Adm. Code 329)

1) Rulemaking:

- A) Description: Expands the scope of this Part to include missing and abducted children. Requirements for reporting missing, runaway, and abducted children will be added, as well as requirements for locating and following up on reports once they have been made. More intensive casework intervention with children who have been located and returned will be specified.

- B) Statutory Authority: 45 ILCS 10

- C) Scheduled meeting/hearing dates: No hearings or meetings have been scheduled.

- D) Date agency anticipates First Notice: Spring 2000

- E) Affect on small business, small municipalities or not for profit

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

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corporations: None

- F) Agency contact person for information:

Mr. Jeff E. Osowski
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Springfield, Illinois 62701-1498
217/524-1983
FAX: 217/557-0692
cfpolicy@dcfs.state.il.us

- G) Related Rulemaking and other pertinent information: None

- g) Part(s) Heading and Code Citation: Service Appeal Process (89 Ill. Adm. Code 337)

1) Rulemaking:

- A) Description: Adds provisions outlined in P.A. 90-608. Issues of what may be appealed will be amended to conform to federal regulations. A streamlined hearing process for those cases that require administrative hearings will be included. The amendments will also eliminate from the process issues that are matters of social work practice rather than legal issues.

- B) Statutory Authority: 20 ILCS 505

- C) Scheduled meeting/hearing dates: No hearings or meetings have been scheduled.

- D) Date agency anticipates First Notice: Spring 2000

- E) Affect on small business, small municipalities or not for profit corporations: None

- F) Agency contact person for information:

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G) Related Rulemaking and other pertinent information: None

h) Part(s) Heading and Code Citation: Children's Accounts (89 Ill. Adm. Code 353)

1) Rulemaking:

A) Description: Proposed amendments will include: automated "draw-down" process whereby, on a monthly basis, the General Revenue and Children Services Fund are reimbursed by eligible children's benefits for expenditures made for their care; provisions for "dedicated accounts" (separate accounts required by the Social Security Administration) for large retroactive payments for Social Security Insurance eligible awards; language allowing the Department to deposit children's benefits into one account, with sub-accounting for each individual account; and increase the amount of accounts, other than Social Security Administration Accounts, to be managed by the Children's Accounts Unit from \$2,500 to \$5,000.

B) Statutory Authority: 20 ILCS 505

C) Scheduled meeting/hearing dates: No hearings or meetings have been scheduled.

D) Date agency anticipates First Notice: Spring 2000

E) Affect on small business, small municipalities or not for profit corporations: None

F) Agency contact person for information:

Mr. Jeff E. Osowski
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406 East Monroe, Station #65
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FAX: 217/557-0692
cfpolicy@dcfs.state.il.us

G) Related Rulemaking and other pertinent information: None

i) Part(s) Heading and Code Citation: Day Care Information Line (89 Ill. Adm. Code 378)

1) Rulemaking:

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

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A) Description: Emergency amendments to the standards for the operation of the statewide toll-free day care information line for licensed day care homes, group day care homes, day care centers and day care agencies to add the following to the list of information available to the public: Pending license revocations; and Protective plans.

B) Statutory Authority: 225 ILCS 10

C) Scheduled meeting/hearing dates: No hearings or meetings have been scheduled.

D) Date agency anticipates First Notice: Spring 2000

E) Affect on small business, small municipalities or not for profit corporations: The proposed amendments affect small businesses that are licensed as day care facilities by the Department.

F) Agency contact person for information:

Mr. Jeff E. Osowski
Department of Children and Family Services
Office of Child and Family Policy
406 East Monroe, Station #65
Springfield, Illinois 62701-1498
217/524-1983
FAX: 217/557-0692
cfpolicy@dcfs.state.il.us

G) Related Rulemaking and other pertinent information: None

j) Part(s) Heading and Code Citation: Licensing Enforcement (89 Ill. Adm. Code 383)

1) Rulemaking:

A) Description: The Department will amend this Part to clarify its role in monitoring and investigating complaints in child care facilities licensed by the Department.

B) Statutory Authority: 225 ILCS 10

C) Scheduled meeting/hearing dates: No hearings or meetings have been scheduled.

D) Date agency anticipates First Notice: Spring 2000

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- E) Affect on small business, small municipalities or not for profit corporations: This rule affects child care facilities licensed by the Department.

F) Agency contact person for information:

Mr. Jeff E. Osowski
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FAX: 217/557-0692
cfpolicy@idcfs.state.il.us

- G) Related Rulemaking and other pertinent information: None

- k) Part(s) Heading and Code Citation: Discipline and Behavior Management in Child Care Facilities (89 Ill. Adm. Code 384)

1) Rulemaking:

- A) Description: This Part will be amended to reflect the current research in behavior management techniques for children.

- B) Statutory Authority: 225 ILCS 10

- C) Scheduled meeting/hearing dates: No hearings or meetings have been scheduled.

- D) Date agency anticipates First Notice: Spring 2000

- E) Affect on small business, small municipalities or not for profit corporations: This Part affects child care institutions, group homes and secure child care facilities licensed by the Department.

F) Agency contact person for information:

Mr. Jeff E. Osowski
Department of Children and Family Services
Office of Child and Family Policy
406 East Monroe, Station #65
Springfield, Illinois 62701-1498
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- G) Related Rulemaking and other pertinent information: None

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

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- l) Part(s) Heading and Code Citation: Children's Product Safety (89 Ill. Adm. Code 386)

1) Rulemaking:

- A) Description: This new Part will describe: Department notification to licensed child care facilities of unsafe children's products, and actions required of licensed child care facilities to insure that unsafe children's products are removed from the facilities.

- B) Statutory Authority: 20 ILCS 505

- C) Scheduled meeting/hearing dates: No hearings or meetings have been scheduled.

- D) Date agency anticipates First Notice: Spring 2000

- E) Affect on small business, small municipalities or not for profit corporations: All child care facilities licensed by the Department.

F) Agency contact person for information:

Mr. Jeff E. Osowski
Department of Children and Family Services
Office of Child and Family Policy
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Springfield, Illinois 62701-1498
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FAX: 217/557-0692
cfpolicy@idcfs.state.il.us

- G) Related Rulemaking and other pertinent information: None

- m) Part(s) Heading and Code Citation: Licensing Standards for Foster Family Homes (89 Ill. Adm. Code 402)

1) Rulemaking:

- A) Description: This Part will be amended to require checks on driving records and licenses of foster parents who transport foster children and clarify several of the standards currently in place.

- B) Statutory Authority: 225 ILCS 10

- C) Scheduled meeting/hearing dates: No hearings or meetings have

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been scheduled.

D) Date agency anticipates First Notice: Spring 2000E) Affect on small business, small municipalities or not for profit corporations: NoneF) Agency contact person for information:

Mr. Jeff E. Osowski
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 217/524-1983
 FAX: 217/557-0692
 cfpolicy@dcs.state.il.us

G) Related Rulemaking and other pertinent information: Nonen) Part(s) Heading and Code Citation: Licensure of Direct Child Welfare Service Employees (89 Ill. Adm. Code 412)1) Rulemaking:A) Description: This new Part will describe the standards and the process for licensing the Department's direct child welfare service employees and private child welfare agencies.B) Statutory Authority: 20 ILCS 505C) Scheduled meeting/hearing dates: No hearings or meetings have been scheduled.D) Date agency anticipates First Notice: Spring 2000E) Affect on small business, small municipalities or not for profit corporations: NoneF) Agency contact person for information:

Mr. Jeff E. Osowski
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DEPARTMENT OF CHILDREN AND FAMILY SERVICES

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cfpolicy@dcs.state.il.us

G) Related Rulemaking and other pertinent information: Noneo) Part(s) Heading and Code Citation: Employee Conflict of Interest (89 Ill. Adm. Code 437)1) Rulemaking:A) Description: The Department will amend its current Employee Conflict of Interest rules to incorporate provisions of the State Gift Ban Act [5 ILCS 425].B) Statutory Authority: 20 ILCS 505C) Scheduled meeting/hearing dates: No hearings or meetings have been scheduled.D) Date agency anticipates First Notice: Spring 2000E) Affect on small business, small municipalities or not for profit corporations: The proposed rulemaking could have a similar effect on small businesses and nonprofit corporations providing services to persons served by the Department as the current Part 437 in further limiting the solicitation, acceptance or offering of gifts in relationships with Department employees.F) Agency contact person for information:

Mr. Jeff E. Osowski
 Department of Children and Family Services
 Office of Child and Family Policy
 406 East Monroe, Station #65
 Springfield, Illinois 62701-1498
 217/524-1983
 FAX: 217/557-0692
 cfpolicy@dcs.state.il.us

G) Related Rulemaking and other pertinent information: None

DEPARTMENT OF STATE POLICE

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- a) Part (Heading and Code Citation): General Hearing Procedures; 20 Ill. Adm. Code 1200

1) Rulemaking:

A) Description: These rules are being established pursuant to Article 10 of the IAPA for the conduct of review relating to contested case/appeals issues in which the Department may be involved and for which the Department has not adopted more particularized rules.

B) Statutory Authority: 20 ILCS 2605/55a(A)(26)

C) Schedule of meeting/hearing date: No schedule has been established at this time.

D) Date agency anticipates First Notice: No date has been determined at this time.

E) Effect on small businesses, small municipalities or not for profit corporations: The amendment will have no effect on small businesses, small municipalities or not for profit corporations.

F) Agency contact person for information:

Mr. James W. Redlich
Chief Legal Counsel
Illinois State Police
124 East Adams Street, Room 102
P.O. Box 19461
Springfield, Illinois 62794-9461
217/782-7658

G) Related rulemakings and other pertinent information: None

- b) Part (Heading and Code Citation): Illinois Uniform Conviction Information Act; 20 Ill. Adm. Code 1215

1) Rulemaking:

A) Description: The rule will be amended to revise and update procedures and policies relating to the implementation of the Illinois Uniform Conviction Information Act.

B) Statutory Authority: 20 ILCS 2605/55a and 20 ILCS 2635/19

C) Schedule of meeting/hearing date: No schedule has been

DEPARTMENT OF STATE POLICE

JANUARY 2000 REGULATORY AGENDA

established at this time.

D) Date agency anticipates First Notice: No date has been determined at this time.

E) Effect on small businesses, small municipalities or not for profit corporations: The amendment will have no effect on small businesses, small municipalities or not for profit corporations.

F) Agency contact person for information:

Mr. James W. Redlich
Chief Legal Counsel
Illinois State Police
124 East Adams Street, Room 102
P.O. Box 19461
Springfield, Illinois 62794-9461
217/782-7658

G) Related rulemakings and other pertinent information: None

- c) Part (Heading and Code Citation): Intergovernmental Drug Enforcement Act; 20 Ill. Adm. Code 1220

1) Rulemaking:

A) Description: The rule will be amended to revise and update procedures and policies relating to the implementation of the Intergovernmental Drug Enforcement Act.

B) Statutory Authority: 20 ILCS 2605/55a and 30 ILCS 715/5

C) Schedule of meeting/hearing date: No schedule has been established at this time.

D) Date agency anticipates First Notice: No date has been determined at this time.

E) Effect on small businesses, small municipalities or not for profit corporations: The amendment will have no effect on small businesses, small municipalities or not for profit corporations.

F) Agency contact person for information:

Mr. James W. Redlich
Chief Legal Counsel

DEPARTMENT OF STATE POLICE

JANUARY 2000 REGULATORY AGENDA

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124 East Adams Street, Room 102
P.O. Box 19461
Springfield, Illinois 62794-9461
217/782-7658

G) Related rulemakings and other pertinent information: None

d) Part (Heading and Code Citation): Drug Asset Forfeiture Procedure Act; 20 Ill. Adm. Code 1225

1) Rulemaking:

A) Description: The rule will be amended to revise and update procedures associated with asset seizure and forfeiture.

B) Statutory Authority: 20 ILCS 2605/55a, 720 ILCS 550/12 and 720 ILCS 570/505

C) Schedule of meeting/hearing date: No schedule has been established at this time.

D) Date agency anticipates First Notice: No date has been determined at this time.

E) Effect on small businesses, small municipalities or not for profit corporations: The amendment will have no effect on small businesses, small municipalities or not for profit corporations.

F) Agency contact person for information:

Mr. James W. Redlich
Chief Legal Counsel
Illinois State Police
124 East Adams Street, Room 102
P.O. Box 19461
Springfield, Illinois 62794-9461
217/782-7658

G) Related rulemakings and other pertinent information: None

e) Part (Heading and Code Citation): Firearm Owner's Identification Card Act; 20 Ill. Adm. Code 1230

1) Rulemaking:

A) Description: The rule will be amended to revise and update

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procedures associated with granting, denying and revoking the Firearm Owner's Identification Card and related activities.

B) Statutory Authority: 20 ILCS 2605/55a and 430 ILCS 65/11

C) Schedule of meeting/hearing date: No schedule has been established at this time.

D) Date agency anticipates First Notice: No date has been determined at this time.

E) Effect on small businesses, small municipalities or not for profit corporations: The amendment will have no effect on small businesses, small municipalities or not for profit corporations.

F) Agency contact person for information:

Mr. James W. Redlich
Chief Legal Counsel
Illinois State Police
124 East Adams Street, Room 102
P.O. Box 19461
Springfield, Illinois 62794-9461
217/782-7658

G) Related rulemakings and other pertinent information: None

f) Part (Heading and Code Citation): Firearm Transfer Inquiry Program; 20 Ill. Adm. Code 1235

1) Rulemaking:

A) Description: The rule will be amended to revise and update procedures associated with the Firearm Transfer Inquiry Program and related activities.

B) Statutory Authority: 20 ILCS 2605/55a and 430 ILCS 65/3.1

C) Schedule of meeting/hearing date: No schedule has been established at this time.

D) Date agency anticipates First Notice: No date has been determined at this time.

E) Effect on small businesses, small municipalities or not for profit corporations: The amendment will have no effect on

DEPARTMENT OF STATE POLICE

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small businesses, small municipalities or not for profit corporations.

F) Agency contact person for information:

Mr. James W. Redlich
Chief Legal Counsel
Illinois State Police
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217/782-7658

G) Related rulemakings and other pertinent information: None

g) Part (Heading and Code Citation): Gang Crime Witness Protection Act; 20 Ill. Adm. Code 1275

1) Rulemaking:

A) Description: The rule will be amended to revise and update procedures and policies relating to the Gang Crime Witness Protection Act.

B) Statutory Authority: 20 ILCS 2605/55a and 725 ILCS 172/5

C) Schedule of meeting/hearing date: No schedule has been established at this time.

D) Date agency anticipates First Notice: No date has been determined at this time.

E) Effect on small businesses, small municipalities or not for profit corporations: The amendment will have no effect on small businesses, small municipalities or not for profit corporations.

F) Agency contact person for information:

Mr. James W. Redlich
Chief Legal Counsel
Illinois State Police
124 East Adams Street, Room 102
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G) Related rulemakings and other pertinent information: None

DEPARTMENT OF STATE POLICE

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h) Part (Heading and Code Citation): Sex Offender Registration Act; 20 Ill. Adm. Code 1280

1) Rulemaking:

A) Description: The rule will be amended to revise and update procedures and policies relating to the implementation of the Sex Offender Registration Act.

B) Statutory Authority: 20 ILCS 2605/55a and 730 ILCS 150/4

C) Schedule of meeting/hearing date: No schedule has been established at this time.

D) Date agency anticipates First Notice: No date has been determined at this time.

E) Effect on small businesses, small municipalities or not for profit corporations: The amendment or rule will have no effect on small businesses, small municipalities or not for profit corporations.

F) Agency contact person for information:

Mr. James W. Redlich
Chief Legal Counsel
Illinois State Police
124 East Adams Street, Room 102
P.O. Box 19461
Springfield, Illinois 62794-9461
217/782-7658

G) Related rulemakings and other pertinent information: None

i) Part (Heading and Code Citation): Child Sex Offender and Murderer Community Notification Law; 20 Ill. Adm. Code 1282

1) Rulemaking:

A) Description: The rule will be amended to revise and update procedures and policies relating to implementation of the Child Sex Offender and Murderer Community Notification Law.

B) Statutory Authority: 20 ILCS 2605/55a and 730 ILCS 152

C) Schedule of meeting/hearing date: No schedule has been established at this time.

DEPARTMENT OF STATE POLICE

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D) Date agency anticipates First Notice: No date has been determined at this time.

E) Effect on small businesses, small municipalities or not for profit corporations: The amendment will have no effect on small businesses, small municipalities or not for profit corporations.

F) Agency contact person for information:

Mr. James W. Redlich
Chief Legal Counsel
Illinois State Police
124 East Adams Street, Room 102
P.O. Box 19461
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G) Related rulemakings and other pertinent information: None

j) Part (Heading and Code Citation): Sample Collection for Genetic Marker Indexing; 20 Ill. Adm. Code 1285

1) Rulemaking:

A) Description: The rule will be amended to revise and update procedures and policies relating to Sample Collection for Genetic Marker Indexing.

B) Statutory Authority: 20 ILCS 2605/55a and 730 ILCS 5/5-4-3

C) Schedule of meeting/hearing date: No schedule has been established at this time.

D) Date agency anticipates First Notice: No date has been determined at this time.

E) Effect on small businesses, small municipalities or not for profit corporations: The amendment will have no effect on small businesses, small municipalities or not for profit corporations.

F) Agency contact person for information:

Mr. James W. Redlich
Chief Legal Counsel
Illinois State Police
124 East Adams Street, Room 102

DEPARTMENT OF STATE POLICE

JANUARY 2000 REGULATORY AGENDA

P.O. Box 19461
Springfield, Illinois 62794-9461
217/782-7658

G) Related rulemakings and other pertinent information: None

k) Part (Heading and Code Citation): Individual's Right to Access and Review Criminal History Record Information; 20 Ill. Adm. Code 1530

1) Rulemaking:

A) Description: The rule will be amended to revise and update procedures for accessing and reviewing criminal history record information maintained by the Illinois State Police.

B) Statutory Authority: 20 ILCS 2605/55a and 20 ILCS 2630/7

C) Schedule of meeting/hearing date: No schedule has been established at this time.

D) Date agency anticipates First Notice: No date has been determined at this time.

E) Effect on small businesses, small municipalities or not for profit corporations: The amendment will have no effect on small businesses, small municipalities or not for profit corporations.

F) Agency contact person for information:

Mr. James W. Redlich
Chief Legal Counsel
Illinois State Police
124 East Adams Street, Room 102
P.O. Box 19461
Springfield, Illinois 62794-9461
217/782-7658

G) Related rulemakings and other pertinent information: None

ILLINOIS STUDENT ASSISTANCE COMMISSION

REGULATORY AGENDA JANUARY 2000

- a) Part (Heading and Code Citation): General Provisions 23 Ill. Adm. Code 2700

1) Rulemaking:

A) Description: ISAC annually reviews its rules in order to respond to market changes and client suggestions, to implement state and federal statutory amendments, to codify improvements due to technological advances, and to clarify issues that have arisen during the previous year. We also are continuing an initiative to increase the level of standardization in procedures, format and terminology throughout our programmatic rules, in order to make them easier for our clients to use.

B) Statutory Authority: Implementing Sections 80 through 175 of the Higher Education Student Assistance Act [110 ILCS 947/80 through 175]; Title IV of the Higher Education Act of 1965, as amended (20 USCA 1070 et seq., as amended by P.L. 102-325); and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/20(f)].

C) Schedule meeting/hearing date: At this time, ISAC has not scheduled a hearing or a meeting specifically to solicit comments on this anticipated rulemaking. Nonetheless, members of the public may submit views or comments in writing to the individual identified in item F below.

D) Date agency anticipates First Notice: January 2000

E) Affect on small business, municipalities or not for profit corporations: None

F) Agency Contact Person for Information:

Mr. Thomas A. Breyer
Deputy Program Officer
Illinois Student Assistance Commission
1755 Lake Cook Road
Deerfield, Illinois 60015-5209
847-948-8500

G) Related rulemakings and other pertinent information: None

- b) Part (Heading and Code Citation): Federal Family Education Loan Program (FFELP) 23 Ill. Adm. Code 2720

1) Rulemaking:

A) Description: ISAC annually reviews its rules in order to respond to market changes and client suggestions, to implement state and federal statutory amendments, to codify improvements due to technological advances, and to clarify

ILLINOIS STUDENT ASSISTANCE COMMISSION

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A) Description: ISAC annually reviews its rules in order to respond to market changes and client suggestions, to implement state and federal statutory amendments, to codify improvements due to technological advances, and to clarify issues that have arisen during the previous year. We also are continuing an initiative to increase the level of standardization in procedures, format and terminology throughout our programmatic rules, in order to make them easier for our clients to use.

B) Statutory Authority: Implementing Sections 80 through 175 of the Higher Education Student Assistance Act [110 ILCS 947/80 through 175]; Title IV, Part B, of the Higher Education Act of 1965, as amended (20 USCA 1071 et seq.); and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/20(f)].

C) Schedule meeting/hearing date: At this time, ISAC has not scheduled a hearing or a meeting specifically to solicit comments on this anticipated rulemaking. Nonetheless, members of the public may submit views or comments in writing to the individual identified in item F below.

D) Date agency anticipates First Notice: January 2000

E) Affect on small business, municipalities or not for profit corporations: None.

F) Agency Contact Person for Information:

Mr. Thomas A. Breyer
Deputy Program Officer
Illinois Student Assistance Commission
1755 Lake Cook Road
Deerfield, Illinois 60015-5209
847-948-8500

G) Related rulemakings and other pertinent information: None

- c) Part (Heading and Code Citation): Illinois National Guard Grant (ING) Grant Program 23 Ill. Adm. Code 2730

1) Rulemaking:

ILLINOIS STUDENT ASSISTANCE COMMISSION

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issues that have arisen during the previous year. We also are continuing an initiative to increase the level of standardization in procedures, format and terminology throughout our programmatic rules, in order to make them easier for our clients to use.

- B) Statutory Authority: Implementing Section 45 and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/45 and 20(f)].

- C) Schedule meeting/hearing date: At this time, ISAC has not scheduled a hearing or a meeting specifically to solicit comments on this anticipated rulemaking. Nonetheless, members of the public may submit views or comments in writing to the individual identified in item F below.

- D) Date agency anticipates First Notice: January 2000

- E) Affect on small business, municipalities or not for profit corporations: None.

- F) Agency Contact Person for Information:

Mr. Thomas A. Breyer
Deputy Program Officer
Illinois Student Assistance Commission
1755 Lake Cook Road
Deerfield, Illinois 60015-5209
847-948-8500

- G) Related rulemakings and other pertinent information: None

- d) Part (Heading and Code Citation): Illinois Veteran Grant (IVG) Program 23 Ill. Adm. Code 2733

1) Rulemaking:

- A) Description: ISAC annually reviews its rules in order to respond to market changes and client suggestions, to implement state and federal statutory amendments, to codify improvements due to technological advances, and to clarify issues that have arisen during the previous year. We also are continuing an initiative to increase the level of standardization in procedures, format and terminology throughout our programmatic rules, in order to make them easier for our clients to use.

- B) Statutory Authority: Implementing Section 40 and authorized

ILLINOIS STUDENT ASSISTANCE COMMISSION

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by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/40 and 20(f)].

- C) Schedule meeting/hearing date: At this time, ISAC has not scheduled a hearing or a meeting specifically to solicit comments on this anticipated rulemaking. Nonetheless, members of the public may submit views or comments in writing to the individual identified in item F below.

- D) Date agency anticipates First Notice: January 2000

- E) Affect on small business, municipalities or not for profit corporations: None

- F) Agency Contact Person for Information:

Mr. Thomas A. Breyer
Deputy Program Officer
Illinois Student Assistance Commission
1755 Lake Cook Road
Deerfield, Illinois 60015-5209
847-948-8500

- G) Related rulemakings and other pertinent information: None

- e) Part (Heading and Code Citation): Monetary Award Program (MAP) 23 Ill. Adm. Code 2735

1) Rulemaking:

- A) Description: ISAC annually reviews its rules in order to respond to market changes and client suggestions, to implement state and federal statutory amendments, to codify improvements due to technological advances, and to clarify issues that have arisen during the previous year. We also are continuing an initiative to increase the level of standardization in procedures, format and terminology throughout our programmatic rules, in order to make them easier for our clients to use.

- B) Statutory Authority: Implementing Section 35 and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/35 and 20(f)].

- C) Schedule meeting/hearing date: At this time, ISAC has not scheduled a hearing or a meeting specifically to solicit comments on this anticipated rulemaking. Nonetheless, members of the public may submit views or comments in

ILLINOIS STUDENT ASSISTANCE COMMISSION

REGULATORY AGENDA JANUARY 2000

writing to the individual identified in item F below.

- D) Date agency anticipates First Notice: January 2000
- E) Affect on small business, municipalities or not for profit corporations: None
- F) Agency Contact Person for Information:

Mr. Thomas A. Breyer
Deputy Program Officer
Illinois Student Assistance Commission
1755 Lake Cook Road
Deerfield, Illinois 60015-5209
847-948-8500

- G) Related rulemakings and other pertinent information: None

f) Part (Heading and Code Citation): Illinois Incentive for Access (IIA) Program 23 Ill. Adm. Code 2736

1) Rulemaking:

A) Description: ISAC annually reviews its rules in order to respond to market changes and client suggestions, to implement state and federal statutory amendments, to codify improvements due to technological advances, and to clarify issues that have arisen during the previous year. We also are continuing an initiative to increase the level of standardization in procedures, format and terminology throughout our programmatic rules, in order to make them easier for our clients to use.

B) Statutory Authority: Implementing Section 36 and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/36 and 20(f)].

C) Schedule meeting/hearing date: At this time, ISAC has not scheduled a hearing or a meeting specifically to solicit comments on this anticipated rulemaking. Nonetheless, members of the public may submit views or comments in writing to the individual identified in item F below.

D) Date agency anticipates First Notice: January 2000

E) Affect on small business, municipalities or not for profit corporations: None

ILLINOIS STUDENT ASSISTANCE COMMISSION

REGULATORY AGENDA JANUARY 2000

F) Agency Contact Person for Information:

Mr. Thomas A. Breyer
Deputy Program Officer
Illinois Student Assistance Commission
1755 Lake Cook Road
Deerfield, Illinois 60015-5209
847-948-8500

- G) Related rulemakings and other pertinent information: None

g) Part (Heading and Code Citation): Robert C. Byrd Honors Scholarship Program 23 Ill. Adm. Code 2755

1) Rulemaking:

A) Description: ISAC annually reviews its rules in order to respond to market changes and client suggestions, to implement state and federal statutory amendments, to codify improvements due to technological advances, and to clarify issues that have arisen during the previous year. We also are continuing an initiative to increase the level of standardization in procedures, format and terminology throughout our programmatic rules, in order to make them easier for our clients to use.

B) Statutory Authority: Implementing Section 65.60 and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/65.60 and 20(f)].

C) Schedule meeting/hearing date: At this time, ISAC has not scheduled a hearing or a meeting specifically to solicit comments on this anticipated rulemaking. Nonetheless, members of the public may submit views or comments in writing to the individual identified in item F below.

D) Date agency anticipates First Notice: January 2000

E) Affect on small business, municipalities or not for profit corporations: None

F) Agency Contact Person for Information:

Mr. Thomas A. Breyer
Deputy Program Officer
Illinois Student Assistance Commission
1755 Lake Cook Road
Deerfield, Illinois 60015-5209

ILLINOIS STUDENT ASSISTANCE COMMISSION

REGULATORY AGENDA JANUARY 2000

847-948-8500

G) Related rulemakings and other pertinent information: None

- h) Part (Heading and Code Citation): State Scholar Program 23 Ill. Adm. Code 2760

1) Rulemaking:

A) Description: ISAC annually reviews its rules in order to respond to market changes and client suggestions, to implement state and federal statutory amendments, to codify improvements due to technological advances, and to clarify issues that have arisen during the previous year. We also are continuing an initiative to increase the level of standardization in procedures, format and terminology throughout our programmatic rules, in order to make them easier for our clients to use.

B) Statutory Authority: Implementing Section 25 and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/25 and 20(f)].

C) Schedule meeting/hearing date: At this time, ISAC has not scheduled a hearing or a meeting specifically to solicit comments on this anticipated rulemaking. Nonetheless, members of the public may submit views or comments in writing to the individual identified in item F below.

D) Date agency anticipates First Notice: January 2000

E) Affect on small business, municipalities or not for profit corporations: None

F) Agency Contact Person for Information:

Mr. Thomas A. Breyer
Deputy Program Officer
Illinois Student Assistance Commission
1755 Lake Cook Road
Deerfield, Illinois 60015-5209
847-948-8500

G) Related rulemakings and other pertinent information: None

- i) Part (Heading and Code Citation): Merit Recognition Scholarship (MRS) Program 23 Ill. Adm. Code 2761

ILLINOIS STUDENT ASSISTANCE COMMISSION

REGULATORY AGENDA JANUARY 2000

1) Rulemaking:

A) Description: ISAC annually reviews its rules in order to respond to market changes and client suggestions, to implement state and federal statutory amendments, to codify improvements due to technological advances, and to clarify issues that have arisen during the previous year. We also are continuing an initiative to increase the level of standardization in procedures, format and terminology throughout our programmatic rules, in order to make them easier for our clients to use.

B) Statutory Authority: Implementing Section 30 and authorized by Section 30(h) of the Higher Education Student Assistance Act [110 ILCS 947/30 and 30(h)].

C) Schedule meeting/hearing date: At this time, ISAC has not scheduled a hearing or a meeting specifically to solicit comments on this anticipated rulemaking. Nonetheless, members of the public may submit views or comments in writing to the individual identified in item F below.

D) Date agency anticipates First Notice: January 2000

E) Affect on small business, municipalities or not for profit corporations: None

F) Agency Contact Person for Information:

Mr. Thomas A. Breyer
Deputy Program Officer
Illinois Student Assistance Commission
1755 Lake Cook Road
Deerfield, Illinois 60015-5209
847-948-8500

G) Related rulemakings and other pertinent information: None

- j) Part (Heading and Code Citation): Minority Teachers of Illinois (MTI) Scholarship Program 23 Ill. Adm. Code 2763

1) Rulemaking:

A) Description: ISAC annually reviews its rules in order to respond to market changes and client suggestions, to implement state and federal statutory amendments, to codify improvements due to technological advances, and to clarify issues that have arisen during the previous year. We also

ILLINOIS STUDENT ASSISTANCE COMMISSION

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are continuing an initiative to increase the level of standardization in procedures, format and terminology throughout our programmatic rules, in order to make them easier for our clients to use.

B) Statutory Authority: Implementing Section 50 and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/50 and 20(f)].

C) Schedule meeting/hearing date: At this time, ISAC has not scheduled a hearing or a meeting specifically to solicit comments on this anticipated rulemaking. Nonetheless, members of the public may submit views or comments in writing to the individual identified in item F below.

D) Date agency anticipates First Notice: January 2000

E) Affect on small business, municipalities or not for profit corporations: None

F) Agency Contact Person for Information:

Mr. Thomas A. Breyer
Deputy Program Officer
Illinois Student Assistance Commission
1755 Lake Cook Road
Deerfield, Illinois 60015-5209
847-948-8500

G) Related rulemakings and other pertinent information: None

k) Part (Heading and Code Citation): David A. DeBolt Teacher Shortage Scholarship (DTSS) Program 23 Ill. Adm. Code 2764

1) Rulemaking:

A) Description: ISAC annually reviews its rules in order to respond to market changes and client suggestions, to implement state and federal statutory amendments, to codify improvements due to technological advances, and to clarify issues that have arisen during the previous year. We also are continuing an initiative to increase the level of standardization in procedures, format and terminology throughout our programmatic rules, in order to make them easier for our clients to use.

B) Statutory Authority: Implementing Section 65.55 and authorized by Section 20(f) of the Higher Education Student

ILLINOIS STUDENT ASSISTANCE COMMISSION

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Assistance Act [110 ILCS 947/65.55 and 20(f)].

C) Schedule meeting/hearing date: At this time, ISAC has not scheduled a hearing or a meeting specifically to solicit comments on this anticipated rulemaking. Nonetheless, members of the public may submit views or comments in writing to the individual identified in item F below.

D) Date agency anticipates First Notice: January 2000

E) Affect on small business, municipalities or not for profit corporations: None

F) Agency Contact Person for Information:

Mr. Thomas A. Breyer
Deputy Program Officer
Illinois Student Assistance Commission
1755 Lake Cook Road
Deerfield, Illinois 60015-5209
847-948-8500

G) Related rulemakings and other pertinent information: None

l) Part (Heading and Code Citation): Illinois Special Education Teacher Tuition Waiver (SETTW) Program 23 Ill. Adm. Code 2765

1) Rulemaking:

A) Description: ISAC annually reviews its rules in order to respond to market changes and client suggestions, to implement state and federal statutory amendments, to codify improvements due to technological advances, and to clarify issues that have arisen during the previous year. We also are continuing an initiative to increase the level of standardization in procedures, format and terminology throughout our programmatic rules, in order to make them easier for our clients to use.

B) Statutory Authority: Implementing Section 65.15 and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/65.15 and 20(f)].

C) Schedule meeting/hearing date: At this time, ISAC has not scheduled a hearing or a meeting specifically to solicit comments on this anticipated rulemaking. Nonetheless, members of the public may submit views or comments in writing to the individual identified in item F below.

ILLINOIS STUDENT ASSISTANCE COMMISSION

REGULATORY AGENDA JANUARY 2000

- D) Date agency anticipates First Notice: January 2000
- E) Affect on small business, municipalities or not for profit corporations: None
- F) Agency Contact Person for Information:

Mr. Thomas A. Breyer
Deputy Program Officer
Illinois Student Assistance Commission
1755 Lake Cook Road
Deerfield, Illinois 60015-5209
847-948-8500

- G) Related rulemakings and other pertinent information: None

m) Part (Heading and Code Citation): College Savings Bond Bonus Incentive Grant (BIG) Program 23 Ill. Adm. Code 2771

1) Rulemaking:

A) Description: ISAC annually reviews its rules in order to respond to market changes and client suggestions, to implement state and federal statutory amendments, to codify improvements due to technological advances, and to clarify issues that have arisen during the previous year. We also are continuing an initiative to increase the level of standardization in procedures, format and terminology throughout our programmatic rules, in order to make them easier for our clients to use.

B) Statutory Authority: Implementing and authorized by Section 8 of the Baccalaureate Savings Act and by Section 75 of the Higher Education Student Assistance Act [110 ILCS 920/8 and 947/75].

C) Schedule meeting/hearing date: At this time, ISAC has not scheduled a hearing or a meeting specifically to solicit comments on this anticipated rulemaking. Nonetheless, members of the public may submit views or comments in writing to the individual identified in item F below.

D) Date agency anticipates First Notice: January 2000

E) Affect on small business, municipalities or not for profit corporations: None

F) Agency Contact Person for Information:

ILLINOIS STUDENT ASSISTANCE COMMISSION

REGULATORY AGENDA JANUARY 2000

Mr. Thomas A. Breyer
Deputy Program Officer
Illinois Student Assistance Commission
1755 Lake Cook Road
Deerfield, Illinois 60015-5209
847-948-8500

- G) Related rulemakings and other pertinent information: None

n) Part (Heading and Code Citation): Illinois Prepaid Tuition Program 23 Ill. Adm. Code 2775

1) Rulemaking:

A) Description: ISAC annually reviews its rules in order to respond to market changes and client suggestions, to implement state and federal statutory amendments, to codify improvements due to technological advances, and to clarify issues that have arisen during the previous year. We also are continuing an initiative to increase the level of standardization in procedures, format and terminology throughout our programmatic rules, in order to make them easier for our clients to use.

B) Statutory Authority: Implementing the Illinois Prepaid Tuition Act [110 ILCS 979] and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/20(f)].

C) Schedule meeting/hearing date: At this time, ISAC has not scheduled a hearing or a meeting specifically to solicit comments on this anticipated rulemaking. Nonetheless, members of the public may submit views or comments in writing to the individual identified in item F below.

D) Date agency anticipates First Notice: January 2000

E) Affect on small business, municipalities or not for profit corporations: None

F) Agency Contact Person for Information:

Mr. Thomas A. Breyer
Deputy Program Officer
Illinois Student Assistance Commission
1755 Lake Cook Road
Deerfield, Illinois 60015-5209
847-948-8500

ILLINOIS STUDENT ASSISTANCE COMMISSION

REGULATORY AGENDA JANUARY 2000

- G) Related rulemakings and other pertinent information: None

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of January 11, 2000, through January 17, 2000 and have been scheduled for review by the Committee at its February 8, 2000 meeting in Springfield. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rulemaking should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield IL 62706.

Second Notice Expires	Agency and Rule	Start Of First Notice	JCAR Meeting
2/24/00	Department of Revenue, Payment of Taxes by Electronic Funds Transfer (86 Ill Adm Code 750)	11/12/99 23 Ill Reg 13535	2/8/00

PROCLAMATION

99-553

RAYMOND R. COFFEY DAY

WHEREAS, Ray Coffey, who grew up in Racine, Wisconsin, graduated from Marquette University in 1951 and then served in the Army. He began his newspaper career in 1953 in the Chicago bureau of United Press. He later managed UPI bureaus in Springfield and Detroit before joining the Daily News; and

WHEREAS, his adopted hometown of Chicago is Coffey's favorite place. His wife Holly, whom he married in 1955, is from the Southwest Side. They have seven children; and

WHEREAS, for most of his newspaper days, his home base has been 401 N. Wabash -- from 1961 until 1978 for the Chicago Daily News, and from 1987 through the end of this week at the Chicago Sun-Times. In between, he did a stint for the Chicago Tribune; and

WHEREAS, at the Sun-Times, Coffey served as managing editor in 1987-88, editor of the editorial page from October 1988 until January 1993, and as a columnist and member of the editorial board. As one of his former editors noted, in Coffey's columns, "one hears the voice of Chicago"; and

WHEREAS, Coffey spent a decade in Washington, D.C., as bureau chief for the Daily News and later for the Tribune; and

WHEREAS, Coffey twice won top awards from the Overseas Press Club, in 1974 for his overall foreign correspondence and in 1968 for his coverage of the Vietnam War. He also twice won National Headliners Club awards, once for the best coverage of the Vietnam War and in 1963 for his coverage of rioting at the University of Mississippi; and

WHEREAS, in the 1970s, as the London correspondent for the Daily News, Coffey followed the conflict in Northern Ireland (his car was once hijacked by the Irish Republican Army), reported on Prime Minister Margaret Thatcher's political rise, and wrote during the U.S. gasoline shortage about a British inventor who "has been running his car for nearly 17 years on pollution-free and exceedingly high-octane pig manure"; and

WHEREAS, Ray Coffey is known as an indelible name in Chicago journalism. He is a civic-minded, compassionate journalist who all aspiring journalists should look toward for inspiration;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim December 30, 1999, as RAYMOND R. COFFEY DAY in Illinois.

Issued by the Governor December 30, 1999.

Filed by the Secretary of State January 14, 2000.

PROPOSED

89-113-4
89-120-1
89-300-3
89-340-4
89-401-3
89-482-1
89-686-2
89-830-5
92-1000-5
92-1030-5
14-130-2
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17-670-3
20-1560-4
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23-2771-5
23-2775-5
35-1500-2
35-283-2
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44-1400-2
50-2510-3
50-2515-3
50-2525-3
59-111-4
59-350-1
68-1260-3
68-1370-3
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74-725-2
77-591-3
80-310-4.5
80-1540-1
80-2800-3
80-3000-3
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89-10-4

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2-1826R-2
2-1827R-2
2-2375-1
8-80-4
8-85-4
8-105-4
8-110-4
8-115-4
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17-180R-1
17-2520-5
17-2550R-5
23-151-3
23-1501-2
35-720-4
35-722-4
35-724-4
35-725-4
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41-171-2
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68-1230-3
68-1240-3
68-1245-3
68-1247-3
68-1250-3
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68-1275-3
68-1300-4
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68-1380-3

EMERGENCY

2-3100-2
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68-1260-3
68-1370-3
68-1450-3
68-1451-3
74-725-2
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80-3000-3
83-726-1
86-500-3
92-1000-5
92-1030-5

Rules acted upon during the calendar quarter from issue 1 through issue 16 are listed in the Issues Index by Title number, Part number and Issue number. For example, 50 Ill. Adm. Code 2500 published in Issue 1 will be listed as 50-2500-1. The letter "R" designates a rule that is being repealed. Inquiries about the Issues Index may be directed to the Administrative Code Division at 217-762-4414 or jntale@ccgate.sos.state.il.us (Internet address).

Visit our website

<http://www.sos.sos.state.il.us>



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111 E. Monroe
Springfield, IL 62756

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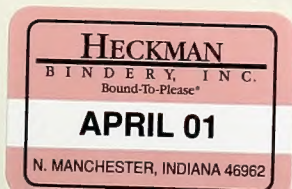
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